Edward F. Poolos
Director

Jeffery W. Kitchens
Deputy Director

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ▪ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ▪ FAX (334) 271-7950

Kay Ivey
Governor

December 11, 2025

Burke Wakefield
Principal Owner
Southern Red Rock, LLC
542 Jordan Lane
Sylvan Springs, AL 35118

RE: Draft Permit
Southern Red Rock
NPDES Permit Number AL0059684
Jefferson County (073)

Dear Mr. Wakefield:

Transmitted herein is a draft of the above referenced permit. Please review the enclosed draft permit carefully. If previously permitted, the draft may contain additions/revisions to the language in your current permit. Please submit any comments on the draft permit to the Department within 30 days from the date of receipt of this letter.

Since the Department has made a tentative decision to reissue and transfer the above referenced permit, ADEM Admin. Code r. 335-6-6-.21 requires a public notice of the draft permit followed by a period of at least 30 days for public comment before the permit can be issued. The United States Environmental Protection Agency will also receive the draft permit for review during the 30-day public comment period.

Any mining, processing, construction, land disturbance, or other regulated activity proposed to be authorized by this draft permit is prohibited prior to the effective date of the formal permit. Any mining or processing activity within the drainage basin associated with each permitted outfall which is conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited.

This permit requires Discharge Monitoring Reports (DMR) to be submitted utilizing the Department's web-based electronic reporting system. Please read Part I.D of the permit carefully and visit https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

Should you have any questions concerning this matter, please contact Ange Boatwright at (334) 274-4208 or maboatwright@adem.alabama.gov.

Sincerely,

William D. McClimans, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

WDM/mab File: DPER/13441

cc: Ange Boatwright, ADEM
Environmental Protection Agency Region IV
Alabama Department of Conservation and Natural Resources
U.S. Fish and Wildlife Service
Alabama Historical Commission
Advisory Council on Historic Preservation
U.S. Army Corps of Engineers Mobile District
U.S. Army Corps of Engineers Nashville District
Alabama Department of Workforce

Birmingham Office
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Office
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Coastal Office
1615 South Broad Street
Mobile, AL 36605
(251) 450-3400
(251) 479-2593 (FAX)

ADEM
Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE:	Industrial Carbon Products, LLC 1080 3rd Street Pleasant Grove, AL 35127
FACILITY LOCATION:	Southern Red Rock 1080 3rd Street Pleasant Grove, AL 35127 Jefferson County T18S, R4W, S5
PERMIT NUMBER:	AL0059684

DSN & RECEIVING STREAM:	001 - 1	Unnamed Tributary to Lost Creek
	002 - 1	Unnamed Tributary to Lost Creek
	003 - 1	Unnamed Tributary to Lost Creek

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1388 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-17, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

MODIFICATION ISSUANCE DATE:

MODIFICATION EFFECTIVE DATE:

Draft

Alabama Department of Environmental Management
Water Division Chief

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

Red Rock Mine, Wet and Dry Preparation, Transportation and Storage, and Associated Areas

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[1]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Cadmium, Dissolved (As Cd) 01025	-------	0.535 µg/L	5.974 µg/L	Grab	1/Month
Copper, Dissolved (As Cu) 01040	-------	23.31 µg/L	38.59 µg/L	Grab	1/Month
Iron, Total (as Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (as Mn)[2] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Thallium, Dissolved (As Tl) 01057	-------	0.274 µg/L	Report	Grab	1/Month
Nickel, Dissolved (As Ni) 01065	-------	134.1 µg/L	1207.4 µg/L	Grab	1/Month
Silver, Dissolved (As Ag) 01075	-------	-------	3.2 µg/L	Grab	1/Month
Zinc, Dissolved (As Zn) 01090	-------	302.6 µg/L	302.6 µg/L	Grab	1/Month
Aluminum, Total (As Al) 01105	-------	Report mg/L	Report mg/L	Grab	1/Month
Selenium, Total (As Se) 01147	-------	5.0 µg/L	20.0 µg/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant[3] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute[4] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter

[1] See Part I.C.2. for further measurement frequency requirements.
[2] See Part IV.H. for Manganese Exemption Discharge Limitations.
[3] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[4] See Part IV.I. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[5]
Toxicity, Ceriodaphnia Chronic[6] 61426	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute[7] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Chronic[6] 61428	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS)	-------	Report mg/L	Report mg/L	Grab	1/Quarter

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

1. Discharge from any point source identified on Page 1 of this Permit which is a proposed outfall is not authorized by this Permit until the outfall has been constructed and certification received by the Department from a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed according to good engineering practices and in accordance with the Pollution Abatement and/or Prevention (PAP) Plan.

2. Certification required by Part I.B.1. shall be submitted on a completed ADEM Form 432. The certification shall include the latitude and longitude of the constructed and certified outfall.

3. Discharge monitoring and Discharge Monitoring Report (DMR) reporting requirements described in Part I.C. of this Permit do not apply to point sources that have not been constructed and certified.

4. Upon submittal of the certification required by Part I.B.1. to the Department, all monitoring and DMR submittal requirements shall apply to the constructed and certified outfall.

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. The Permittee shall collect at least one grab sample of the discharge to surface waters from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application twice per month at a rate of at least every other week if a discharge occurs at any time during the two week period, but need not collect more than two samples per calendar month. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

b. If the final effluent is pumped in order to discharge (e.g. from incised ponds, old highwall cuts, old pit areas or depressions, etc.), the Permittee shall collect at least one grab sample of the discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period which results from direct pumped drainage. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

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[5] See Part I.C.2. for further measurement frequency requirements.
[6] See Part IV.J. for Effluent Toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.
[7] See Part IV.I. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity

c. The Permittee may increase the frequency of sampling listed in Parts I.C.1.a and I.C.1.b; however, all sampling results must be reported to the Department and included in any calculated results submitted to the Department in accordance with this Permit.

2. Measurement Frequency

Measurement frequency requirements found in Part I.A. shall mean:

a. A measurement frequency of one day per week shall mean sample collection on any day of discharge which occurs every calendar week.

b. A measurement frequency of two days per month shall mean sample collection on any day of discharge which occurs every other week, but need not exceed two sample days per month.

c. A measurement frequency of one day per month shall mean sample collection on any day of discharge which occurs during each calendar month.

d. A measurement frequency of one day per quarter shall mean sample collection on any day of discharge which occurs during each calendar quarter.

e. A measurement frequency of one day per six months shall mean sample collection on any day of discharge which occurs during the period of January through June and during the period of July through December.

f. A measurement frequency of one day per year shall mean sample collection on any day of discharge which occurs during each calendar year.

3. Monitoring Schedule

The Permittee shall conduct the monitoring required by Part I.A. in accordance with the following schedule:

a. MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this Permit and every month thereafter. More frequently than monthly and monthly monitoring may be done anytime during the month, unless restricted elsewhere in this Permit, but the results should be reported on the last Discharge Monitoring Report (DMR) due for the quarter (i.e., with the March, June, September, and December DMRs).

b. QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The Permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this Permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this Permit, but the results should be reported on the last DMR due for the quarter (i.e., with the March, June, September, and December DMRs).

c. SEMIANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The Permittee shall conduct the semiannual monitoring during the first complete semiannual calendar period following the effective date of this Permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this Permit, but it

should be reported on the last DMR due for the month of the semiannual period (i.e., with the June and December DMRs).

d. ANNUAL MONITORING shall be conducted at least once during the period of January through December. The Permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this Permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this Permit, but it should be reported on the December DMR.

4. Sampling Location

Unless restricted elsewhere in this Permit, samples collected to comply with the monitoring requirements specified in Part I.A. shall be collected at the nearest accessible location just prior to discharge and after final treatment, or at an alternate location approved in writing by the Department.

5. Representative Sampling

Sample collection and measurement actions taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this Permit.

6. Test Procedures

For the purpose of reporting and compliance, Permittees shall use one of the following procedures:

a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136, guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h), and ADEM Standard Operating Procedures. If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this Permit the Permittee shall use the newly approved method.

b. For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the Permittee during permit issuance, reissuance, modification, or during compliance schedule.

In either case the measured value should be reported if the analytical result is at or above the ML and "0" reported for values below the ML.

c. For parameters without an EPA established ML, interim ML, or matrix-specific ML, a report of less than the detection limit shall constitute compliance if the detection limit of all analytical methods is higher than the permit limit using the most sensitive EPA

approved method. For the purpose of calculating a monthly average, "0" shall be used for values reported less than the detection limit.

The Minimum Level utilized for procedures identified in Parts I.C.6.a. and b. shall be reported on the Permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

7. **Recording of Results**

For each measurement or sample taken pursuant to the requirements of this Permit, the Permittee shall record the following information:

a. The facility name and location, point source number, date, time, and exact place of sampling or measurements;

b. The name(s) of person(s) who obtained the samples or measurements;

c. The dates and times the analyses were performed;

d. The name(s) of the person(s) who performed the analyses;

e. The analytical techniques or methods used including source of method and method number; and

f. The results of all required analyses.

8. **Routine Inspection by Permittee**

a. The Permittee shall inspect all point sources identified on Page 1 of this Permit and described more fully in the Permittee's application and all treatment or control facilities or systems used by the Permittee to achieve compliance with the terms and conditions of this Permit at least as often as the applicable sampling frequency specified in Part I.C.1 of this Permit.

b. The Permittee shall maintain a written log for each point source identified on Page 1 of this Permit and described more fully in the Permittee's application in which the Permittee shall record the following information:

(1) The date and time the point source and any associated treatment or control facilities or systems were inspected by the Permittee;

(2) Whether there was a discharge from the point source at the time of inspection by the Permittee;

(3) Whether a sample of the discharge from the point source was collected at the time of inspection by the Permittee;

(4) Whether all associated treatment or control facilities or systems appeared to be in good working order and operating as efficiently as possible, and if not, a description of the problems or deficiencies; and

(5) The name and signature of the person performing the inspection of the point source and associated treatment or control facilities or systems.

9. Records Retention and Production

a. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the above reports or the application for this Permit, for a period of at least three (3) years from the date of the sample collection, measurement, report, or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA, AEMA, and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director, the Permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records should not be submitted unless requested.

b. All records required to be kept for a period of three (3) years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

10. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this Permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. The Permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

D. DISCHARGE REPORTING REQUIREMENTS

1. Requirements for Reporting of Monitoring

a. Monitoring results obtained during the previous three (3) months shall be summarized for each month on a Discharge Monitoring Report (DMR) Form approved by the Department, and submitted to the Department so that it is received by the Director no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each year).

b. The Department utilizes a web-based electronic reporting system for submittal of DMRs. **Except as allowed by Part I.D.1.c. or d., the Permittee shall submit all DMRs required by Part I.D.1.a. by utilizing the Department's current electronic reporting system.** The Department's current reporting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

c. If the electronic reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the electronic reporting system is down on the 28th day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate

acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the electronic reporting system resuming operation, the Permittee shall enter the data into the reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the electronic DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date).

d. The permittee may submit a request to the Department for a temporary electronic reporting waiver for DMR submittals. The waiver request should include the permit number; permittee name; facility/site name; facility address; name, address, and contact information for the responsible official or duly authorized representative; a detailed statement regarding the basis for requesting such a waiver; and the duration for which the waiver is requested. Approved electronic reporting waivers are not transferrable. Permittees with an approved electronic reporting waiver for DMRs may submit hard copy DMRs for the period that the approved electronic reporting waiver request is effective. The Permittee shall submit the Department-approved DMR forms to the address listed in Part I.D.1.i.

e. If the Permittee, using approved analytical methods as specified in Part I.C.6., monitors any discharge from a point source identified on Page 1 of this Permit and describe more fully in the Permittee's application more frequently than required by this Permit; the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form, and the increased frequency shall be indicated on the DMR Form.

f. In the event no discharge from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application occurs during a monitoring period, the Permittee shall report "No Discharge" for such period on the appropriate DMR Form.

g. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1. must be legible and bear an original signature or electronic signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit.

h. All reports and forms required to be submitted by this Permit, the AWPCA, and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee as defined in ADEM Admin. Code r. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code r. 335-6-6-.09 and shall bear the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

i. All DMRs, reports, and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, shall be submitted through the Department's electronic reporting system, AEPACS, or, if in hardcopy, shall be addressed to:

> Alabama Department of Environmental Management
> Water Division, Mining and Natural Resource Section
> Post Office Box 301463

Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Water Division, Mining and Natural Resource Section
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

j. Unless authorized in writing by the Department, approved reporting forms required by this Permit or the Department are not to be altered, and if copied or reproduced, must be consistent in format and identical in content to the ADEM approved form. Unauthorized alteration, falsification, or use of incorrectly reproduced forms constitutes noncompliance with the requirements of this Permit and may significantly delay processing of any request, result in denial of the request, result in permit termination, revocation, suspension, modification, or denial of a permit renewal application, or result in other enforcement action.

k. If this Permit is a reissuance, then the Permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.D.1.

2. Noncompliance Notification

a. The Permittee must notify the Department if, for any reason, the Permittee's discharge:

(1) Potentially threatens human health or welfare;

(2) Potentially threatens fish or aquatic life;

(3) Causes an in-stream water quality criterion to be exceeded;

(4) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a);

(5) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4); or

(6) Exceeds any discharge limitation for an effluent parameter as a result of an unanticipated bypass or upset.

The Permittee shall orally or electronically report any of the above occurrences, describing the circumstances and potential effects of such discharge to the Director within 24-hours after the Permittee becomes aware of the occurrence of such discharge. In addition to the oral or electronic report, the Permittee shall submit to the Director a written report as provided in Part I.D.2.c., no later than five (5) days after becoming aware of the occurrence of such discharge.

b. If for any reason, the Permittee's discharge does not comply with any limitation of this Permit, the Permittee shall submit a written report to the Director as provided in Part I.D.2.c. This report must be submitted with the next Discharge Monitoring Report required to be submitted by Part I.D.1. of this Permit after becoming aware of the occurrence of such noncompliance.

c. An electronic Noncompliance Notification Form in a Department-approved format must be submitted to the Director in accordance with Parts I.D.2.a. and b. The completed form must document the following information:

(1) A description of the discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

3. Reduction, Suspension, or Termination of Monitoring and/or Reporting

a. The Director may, with respect to any point source identified on Page 1 of this Permit and described more fully in the Permittee's application, authorize the Permittee to reduce, suspend, or terminate the monitoring and/or reporting required by this Permit upon the submission of a written request for such reduction, suspension, or termination by the Permittee provided:

(1) All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted or controlled to preclude unpermitted and unauthorized mining, processing, transportation, or associated operations/activity;

(2) Permanent, perennial vegetation has been re-established on all areas mined or disturbed for at least one year since mining has ceased in the drainage basin(s) associated with the surface discharge, or all areas have been permanently graded such that all drainage is directed back into the mined pit to preclude all surface discharges;

(3) Unless waived in writing by the Department, the Permittee has been granted, in writing, a 100% Bond Release, if applicable, by the Alabama Department of Industrial Relations and, if applicable, by the Surface Mining Commission for all areas mined or disturbed in the drainage basin(s) associated with the discharge;

(4) Unless waived in writing by the Department, the Permittee has submitted inspection reports prepared and certified by a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection must be conducted approximately one year prior to and the second inspection must be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements;

(5) All surface effects of the mining activity such as fuel or chemical tanks, preparation plants or equipment, old tools or equipment, junk or debris, etc., must be removed and disposed of according to applicable state and federal regulations;

(6) The Permittee's request for termination of monitoring and reporting requirements contained in this Permit has been supported by monitoring data covering a period of at least six consecutive months or such longer period as is necessary to assure that the data reflect discharges occurring during varying seasonal climatological conditions;

(7) The Permittee has stated in its request that the samples collected and reported in the monitoring data submitted in support of the Permittee's request for monitoring termination or suspension are representative of the discharge and were collected in accordance with all Permit terms and conditions respecting sampling times (e.g., rainfall events) and methods and were analyzed in accordance with all Permit terms and conditions respecting analytical methods and procedures;

(8) The Permittee has certified that during the entire period covered by the monitoring data submitted, no chemical treatment of the discharge was provided;

(9) The Permittee's request has included the certification required by Part I.D.1.e. of this Permit; and

(10) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (9) above.

b. It remains the responsibility of the Permittee to comply with the monitoring and reporting requirements of this Permit until written authorization to reduce, suspend, or terminate such monitoring and/or reporting is received by the Permittee from the Director.

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The Permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

2. Termination of Discharge

The Permittee shall notify the Director, in writing, when all discharges from any point source(s) identified on Page 1 of this Permit and described more fully in the Permittee's application have permanently ceased.

3. Updating Information

a. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer(s) having the authority and responsibility to prevent and abate violations of the AWPCA, the AEMA, the Department's rules and regulations, and the terms and conditions of this Permit, in writing, no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish the Director with an update of any information provided in the permit application.

b. If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

a. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, terminating, or revoking and reissuing this Permit, in whole or in part, or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be maintained by this Permit.

b. The Permittee shall furnish to the Director upon request, within a reasonable time, available information (name, phone number, address, and site location) which identifies offsite sources of material or natural resources (mineral, ore, or other material such as iron, coal, coke, dirt, chert, shale, clay, sand, gravel, bauxite, rock, stone, etc.) used in its operation or stored at the facility.

F. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the discharge limitations specified in Part I.A. of this Permit in accordance with the following schedule:

Compliance must be achieved by the effective date of this Permit.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of this Permit.

2. Pollution Abatement and/or Prevention Plan

a. The Pollution Abatement and/or Prevention (PAP) Plan shall be prepared and certified by a registered Professional Engineer (PE), licensed to practice in the State of Alabama, and shall include at a minimum:

(1) The information indicated in ADEM Admin Code r. 335-6-9-.03 and ADEM Admin. Code ch. 335-6-9 and its Appendices A and B;

(2) A description of methods which will be implemented to prevent offsite vehicle tracking onto roadways and/or into ditches at the entrances and/or exits of the Permittee's operations;

(3) A description of setbacks from waters of the State in units of linear feet on the horizontal plane; a description of the methods taken to visibly delineate setbacks from waters of the State; and a description of any other actions taken to prevent encroachment upon setbacks;

(4) A description of the methods used to delineate the boundaries of coverage under this Permit such that the boundaries are readily visible during the life of the operation;

(5) A description of any other Best Management Practices (BMPs) which will be implemented to provide control of all nonpoint source pollution that is or may be associated with the Permittee's operations;

b. The PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit pursuant to ADEM Admin Code r. 335-6-9-.05(2). The PAP Plan shall be amended if the Department determines that the existing sediment control measures, erosion control measures, or other site management practices are ineffective or do not meet the requirements of this Permit.

c. For existing sources, the PAP Plan shall be updated to include all requirements of this section within 180 days of the effective date of this permit. New sources shall submit the PAP plan with the NPDES Individual Permit application prior to coverage under this Permit.

3. Best Management Practices (BMPs)

a. Unless otherwise authorized in writing by the Director, the Permittee shall provide a means of subsurface withdrawal for any discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application. Notwithstanding the above provision, a means of subsurface withdrawal need not be provided for any discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.

b. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director has granted prior written authorization for dilution to meet water quality requirements.

c. The Permittee shall minimize the contact of water with overburden, including but not limited to stabilizing disturbed areas through grading, diverting runoff, achieving quick growing stands of temporary vegetation, sealing acid-forming and toxic-forming materials, and maximizing placement of waste materials in back-fill areas.

d. The Permittee shall prepare, submit to the Department for approval, and implement a Best Management Practices (BMPs) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a potential for discharge, if so required by the Director. When submitted and approved, the BMP Plan shall become a part of this Permit and all requirements of the BMP Plan shall become requirements of this Permit.

e. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan acceptable to the Department that is prepared and certified by a Professional Engineer (PE), registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers as provided by ADEM Admin. Code r. 335-6-6-.08(j)5. The Plan shall describe and the Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management pursuant to ADEM Admin. Code r. 335-6-6-.12 (r) sufficient to prevent any spills of pollutants from entering a ground or surface water of the State or a publicly or privately owned treatment works. The Plan shall include at a minimum, the engineering requirements provided in 40 C.F.R. §§112.1. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. Such containment systems shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The Plan shall list any materials which the Permittee may utilize to contain and to absorb fuel and chemical spills and leaks. The Permittee shall maintain sufficient amounts of such materials onsite or have sufficient amounts of such materials readily available to contain and/or absorb fuel and chemical spills and leaks. Soil contaminated by chemical spills, oil spills, etc., must be immediately cleaned up or be removed and disposed of in a manner consistent with all State and federal regulations.

f. All surface drainage and storm water runoff which originate within or enters the Permittee's premises and which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application.

g. The Permittee shall take all reasonable precautions to prevent any surface drainage or storm water runoff which originates outside the Permittee's premises and which contains any pollutants or other wastes from entering the Permittee's premises. At no time shall the Permittee discharge any such surface drainage or storm water runoff which enters the Permittee's premises if, either alone or in combination with the Permittee's effluent, the

discharge would exceed any applicable discharge limitation specified in Part I.A. of this Permit.

4. Biocide Additives

a. The Permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in any cooling or boiler system(s) regulated by this Permit. Notification is not required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the Permittee. Such notification shall include:

(a) Name and general composition of biocide or chemical;

(b) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);

(c) Quantities to be used;

(d) Frequencies of use;

(e) Proposed discharge concentrations; and

(f) EPA registration number, if applicable.

b. The use of any biocide or chemical additive containing tributyl tin, tributyl tin oxide, zinc, chromium, or related compounds in any cooling or boiler system(s) regulated by the Permit is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this Permit or in the application for this Permit or not exempted from notification under this Permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

5. Facility Identification

The Permittee shall clearly display prior to commencement of any regulated activity and until permit coverage is properly terminated, the name of the Permittee, entire NPDES permit number, facility or site name, and other descriptive information deemed appropriate by the Permittee at an easily accessible location(s) to adequately identify the site, unless approved otherwise in writing by the Department. The Permittee shall repair or replace the sign(s) as necessary upon becoming aware that the identification is missing or is unreadable due to age, vandalism, theft, weather, or other reason.

6. Removed Substances

Solids, sludges, filter backwash, or any other pollutants or other wastes removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department rules and regulations.

7. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the Permittee shall, where necessary to maintain compliance with the discharge limitations specified in Part I.A. of this Permit or any other terms or conditions of this Permit, cease, reduce, or otherwise control production and/or discharges until treatment is restored.

8. Duty to Mitigate

The Permittee shall promptly take all reasonable steps to minimize or prevent any violation of this Permit or to mitigate and minimize any adverse impact to waters resulting from noncompliance with any discharge limitation specified in Part I.A. of this Permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as is necessary to determine the nature and impact of the noncomplying discharge.

B. BYPASS AND UPSET

1. Bypass

a. Any bypass is prohibited except as provided in Parts II.B.1.b. and c.

b. A bypass is not prohibited if:

(1) It does not cause any applicable discharge limitation specified in Part I.A. of this Permit to be exceeded;

(2) The discharge resulting from such bypass enters the same receiving water as the discharge from the permitted outfall;

(3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; and

(4) The Permittee monitors the discharge resulting from such bypass at a frequency, at least daily, sufficient to prove compliance with the discharge limitations specified in Part I.A. of this Permit.

c. A bypass is not prohibited and need not meet the discharge limitations specified in Part I.A. of this Permit if:

(1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and

Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

d. The Permittee has the burden of establishing that each of the conditions of Parts II.B.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part II.B.I.a. and an exemption, where applicable, from the discharge limitations specified in Part I.A. of this Permit.

2. Upset

a. The Permittee may seek to demonstrate that noncompliance with technology-based effluent limits occurred as a result of an upset if the conditions of Part II.B.2.b are met and if the Permittee complies with the conditions provided in Part II.B.2.c.

b. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee must demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the Permittee can identify the specific cause(s) of the upset;

(2) The wastewater treatment facility was at the time being properly operated in accordance with Part II.B.d.

(3) The Permittee submitted notice of the noncompliance during the upset as required by Part II.B.2.c; and

(4) The Permittee complied with any remedial measures required under Part II.A.7. of this Permit.

c. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee shall:

(I) No later than 24-hours after becoming aware of the occurrence of the upset, orally report the occurrence and circumstances of the upset to the Director in accordance with Part I.G.2.; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, furnish the Director with evidence, including properly signed, contemporaneous operating logs, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, or other relevant evidence, demonstrating that:

(i) An upset occurred;

(ii) The Permittee can identify the specific cause(s) of the upset;

(iii) The Permittee's treatment facility was being properly operated at the time of the upset; and

(iv) The Permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.

d. A discharge which is an overflow from a treatment facility or system, or an excess discharge from a point source associated with a treatment facility or system and which

results from a 24-hour precipitation event larger than a 10-year, 24-hour precipitation event is not eligible to be considered as a result of an upset unless:

(1) The treatment facility or system is designed, constructed, and maintained to contain the maximum volume of wastewater which would be generated by the facility during a 24-hour period without an increase in volume from precipitation and the maximum volume of wastewater resulting from a 10-year, 24-hour precipitation event or to treat the maximum flow associated with these volumes. In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the volume which would result from all areas contributing runoff to the individual treatment facility must be included (i.e., all runoff that is not diverted from the mining area and runoff which is not diverted from the preparation plant area); and

(2) The Permittee takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow or excess discharge.

e. The Permittee has the burden of proof in defense of any enforcement action as a result of noncompliance of technology-based effluent limits the Permittee proposes to attribute to an upset.

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

a. Notwithstanding any other provisions of this Permit, if the permitted facility has not obtained or is not required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which was not certified to the Department on a form approved by the Department by a professional engineer, registered in the State of Alabama, as being designed, constructed, and in accordance with plans and specifications reviewed by the Department is prohibited; or

b. Notwithstanding any other provisions of this Permit, if the permitted facility has obtained or is required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which is associated with a treatment facility which was not constructed and certified to the Alabama Surface Mining Commission pursuant to applicable provisions of said Commission's regulations, is prohibited until the Permittee submits to the Alabama Surface Mining Commission, certification by a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed in accordance with plans and specifications approved by the Alabama Surface Mining Commission. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the Alabama Surface Mining Commission, provided the Department is notified in writing of the completion or installation of such facilities, and the pumped discharges will meet permit effluent limits without treatment.

2. Permit Modification, Suspension, Termination, and Revocation

a. This Permit may be modified, suspended, terminated, or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:

(1) The violation of any term or condition of this Permit;

(2) The obtaining of this Permit by misrepresentation or the failure to disclose fully all relevant facts;

(3) The submission of materially false or inaccurate statements or information in the permit application or reports required by the Permit;

(4) The need for a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(5) The existence of any typographical or clerical errors or of any errors in the calculation of discharge limitations;

(6) The existence of material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(7) The threat of the Permittee's discharge on human health or welfare; or

(8) Any other cause allowed by ADEM Admin. Code ch. 335-6-6.

b. The filing of a request by the Permittee for modification, suspension, termination, or revocation and reissuance of this Permit, in whole or in part, does not stay any Permit term or condition of this Permit.

3. Requirements for Metals, Cyanide, and Phenols Monitoring and Reporting

a. For all outfalls, the Permittee shall collect a sample of the discharge to be analyzed for antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cyanide, and phenols no later six months following the effective date of the Permit. The analyses shall be submitted on ADEM Form 567 and received by the Department no later than 28 days following six months after the effective date of the Permit.

b. For all outfalls, should a discharge not occur within the first six months following the effective date of this Permit, the Permittee shall collect a sample of the discharge to be analyzed for antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cyanide, and phenols no later than six months following the date of the first discharge. The analyses shall be submitted on EPA Form 2C and received by the Department no later than 28 days following six months after the first discharge.

c. Parts II.C.3.a. and b. do not apply for any outfall that is represented by analyses conducted at a substantially similar outfall as indicated on EPA Form 2C or 2D.

d. The Permit shall be reopened, if required, to address any new information resulting from the completion and submittal of the data referenced in Parts II.C.3.a. and b.

4. Automatic Expiration of Permits for New or Increased Discharges

a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if this Permit was issued for a new discharger or new source, it shall expire eighteen months after the issuance date if construction has not begun during that eighteen month period.

b. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if any portion of this Permit was issued or modified to authorize the discharge of increased quantities of pollutants to accommodate the modification of an existing facility, that portion of this Permit shall expire eighteen months after this Permit's issuance if construction of the modification has not begun within eighteen month period.

c. Construction has begun when the owner or operator has:

(1) Begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

d. The automatic expiration of this Permit for new or increased discharges if construction has not begun within the eighteen month period after the issuance of this Permit may be tolled by administrative or judicial stay.

5. Transfer of Permit

This Permit may not be transferred or the name of the Permittee changed without notice to the Director and subsequent modification or revocation and reissuance of this Permit to identify the new Permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership, or control of the Permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership, or control of the Permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership, or control, he may decide not to modify the existing Permit and require the submission of a new permit application.

6. Groundwater

Unless authorized on page 1 of this Permit, this Permit does not authorize any discharge to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem, and the Director may require that the Permittee undertake measures to abate any such discharge and/or contamination.

7. Property and Other Rights

This Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or

approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

D. RESPONSIBILITIES

1. Duty to Comply

a. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA, AEMA, and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification, or denial of a permit renewal application.

b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the effluent standard, prohibition or requirement.

c. For any violation(s) of this Permit, the Permittee is subject to a civil penalty as authorized by the AWPCA, the AEMA, the FWPCA, and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975, §22-22-1 et. seq., as amended.

d. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of this Permit shall not be a defense for a Permittee in an enforcement action.

e. Nothing in this Permit shall be construed to preclude or negate the Permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.

f. The discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit is not authorized and shall constitute noncompliance with this Permit.

g. The Permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this Permit or to minimize or prevent any adverse impact of any permit violation.

2. Change in Discharge

a. The Permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants, increase the quantity of a discharged pollutant, or that could result in an additional discharge point. This requirement also applies to pollutants that are not subject to discharge limitations in this Permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.

b. The Permittee shall notify the Director as soon as it knows or has reason to believe that it has begun or expects to begin to discharge any pollutant listed as a toxic pollutant pursuant to Section 307(a) of the FWPCA, 33 U.S.C. §1317(a), any substance designated as a hazardous substance pursuant to Section 311(b)(2) of the FWPCA, 33 U.S.C. §1321(b)(2), any waste listed as a hazardous waste pursuant to Code of Alabama 1975, §22-30-10, or any other pollutants or other wastes which is not subject to any discharge limitations

specified in Part I.A. of this Permit and was not reported in the Permittee's application, was reported in the Permittee's application in concentrations or mass rates lower than that which the Permittee expects to begin to be discharged, or has reason to believe has begun to be discharged.

3. Compliance with Toxic or Other Pollutant Effluent Standard or Prohibition

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Sections 301(b)(2)(C),(D),(E) and (F) of the FWPCA, 33 U.S.C. §1311(b)(2)(C),(D),(E), and (F); 304(b)(2) of the FWPCA, 33 U.S.C. §1314(b)(2); or 307(a) of the FWPCA, 33 U.S.C. §1317(a), for a toxic or other pollutant discharged by the Permittee, and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Part I.A. of this Permit or controls a pollutant not limited in Part I.A. of this Permit, this Permit shall be modified to conform to the toxic or other pollutant effluent standard or prohibition and the Permittee shall be notified of such modification. If this Permit has not been modified to conform to the toxic or other pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the authorization to discharge in this Permit shall be void to the extent that any discharge limitation on such pollutant in Part I.A. of this Permit exceeds or is inconsistent with the established toxic or other pollutant effluent standard or prohibition.

4. Compliance with Water Quality Standards and Other Provisions

a. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.

b. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) from point source(s) identified on Page 1 of this Permit cause(s) or contribute(s) to a condition in contravention of State water quality standards, the Department may require abatement action to be taken by the Permittee, modify the Permit pursuant to the Department's rules and regulations, or both.

c. If the Department determines, on the basis of a notice provided pursuant to Part II.C.2. of this Permit or any investigation, inspection, or sampling, that a modification of this Permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the noticed act until the Permit has been modified.

5. Compliance with Statutes and Rules

a. This Permit has been issued under ADEM Admin. Code div. 335-6. All provisions of this division, that are applicable to this Permit, are hereby made a part of this Permit. A copy of this division may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110-2059.

b. This Permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing

such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

6. **Right of Entry and Inspection**

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

7. **Duty to Reapply or Notify of Intent to Cease Discharge**

a. If the Permittee intends to continue to discharge beyond the expiration date of this Permit, the Permittee shall file with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration. **Applications must be submitted electronically via the Department's current electronic permitting system. The Department's current online permitting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.**

b. If the Permittee does not desire to continue the discharge(s) allowed by this Permit, the Permittee shall notify the Department at least 180 days prior to expiration of this Permit of the Permittee's intention not to request reissuance of this Permit. This notification must include the information required in Part I.D.4.a. and be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Admin. Code r. 335-6-6-.09.

c. Failure of the Permittee to submit to the Department a complete application for reissuance of this Permit at least 180 days prior to the expiration date of this Permit will void the automatic continuation of this Permit provided by ADEM Admin. Code r. 335-6-6-.06; and should this Permit not be reissued for any reason, any discharge after the expiration of this Permit will be an unpermitted discharge.

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under this Permit shall, upon conviction, be subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by applicable State and Federal law.

3. Permit Enforcement

This NPDES Permit is a Permit for the purpose of the AWPCA, the AEMA, and the FWPCA, and as such all terms, conditions, or limitations of this Permit are enforceable under State and Federal law.

4. Relief From Liability

Except as provided in Part II.B.1. (Bypass) and Part II.B.2. (Upset), nothing in this Permit shall be construed to relieve the Permittee of civil or criminal liability under the AWPCA, AEMA, or FWPCA for noncompliance with any term or condition of this Permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the FWPCA, 33 U.S.C. §1321.

C. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement in any such report may result in the imposition of criminal penalties as provided for in Section 309 of the FWPCA, 33 U.S.C. §1319, and Code of Alabama 1975, §22-22-14.

D. DEFINITIONS

1. Alabama Environmental Management Act (AEMA) - means Code of Alabama 1975, §§22-22A-1 et. seq., as amended.

2. Alabama Water Pollution Control Act (AWPCA) - means Code of Alabama 1975, §§22-22-1 et. seq., as amended.

3. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar

month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

4. Arithmetic Mean - means the summation of the individual values of any set of values divided by the number of individual values.

5. BOD - means the five-day measure of the pollutant parameter biochemical oxygen demand

6. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.

7. CBOD - means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.

8. Controlled Surface Mine Drainage – means any surface mine drainage that is pumped or siphoned from the active mining area.

9. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.

10. Daily maximum - means the highest value of any individual sample result obtained during a day.

11. Daily minimum - means the lowest value of any individual sample result obtained during a day.

12. Day - means any consecutive 24-hour period.

13. Department - means the Alabama Department of Environmental Management.

14. Director - means the Director of the Department or his authorized representative or designee.

15. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state." Code of Alabama 1975, §22-22-1(b)(8).

16. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish monitoring report requirements of an NPDES Permit.

17. DO - means dissolved oxygen.

18. E. coli – means the pollutant parameter Escherichia coli.

19. 8HC - means 8-hour composite sample, including any of the following:

    a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

    b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

20. EPA - means the United States Environmental Protection Agency.

21. Federal Water Pollution Control Act (FWPCA) - means 33 U.S.C. §§1251 et. seq., as amended.

22. Flow – means the total volume of discharge in a 24-hour period.

23. Geometric Mean - means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).

24. Grab Sample - means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.

25. Indirect Discharger - means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.

26. Industrial User - means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste producers as, by regulation, the Director deems appropriate.

27. mg/L - means milligrams per liter of discharge.

28. MGD - means million gallons per day.

29. Monthly Average - means, other than for E. coli bacteria, the arithmetic mean of all the composite or grab samples taken for the daily discharges collected in one month period. The monthly average for E. coli bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period. (Zero discharges shall not be included in the calculation of monthly averages.)

30. New Discharger - means a person owning or operating any building, structure, facility or installation:

    a. From which there is or may be a discharge of pollutants;

    b. From which the discharge of pollutants did not commence prior to August 13, 1979, and which is not a new source; and

    c. Which has never received a final effective NPDES Permit for dischargers at that site.

31. New Source - means:

    a. A new source as defined for coal mines by 40 CFR Part 434.11 (1994); and

    b. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

        (1) After promulgation of standards of performance under Section 306 of FWPCA which are applicable to such source; or

        (2) After proposal of standards of performance in accordance with Section 306 of the FWPCA which are applicable to such source, but only if the standards are promulgated in accordance with Section 206 within 120 days of their proposal.

32. NH3-N - means the pollutant parameter ammonia, measured as nitrogen.

33. 1-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

34. Permit application - means forms and additional information that are required by ADEM Admin. Code r. 335-6-6-.08 and applicable permit fees.

35. Point Source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. §1362(14).

36. Pollutant - includes for purposes of this Permit, but is not limited to, those pollutants specified in Code of Alabama 1975, §22-22-1(b)(3) and those effluent characteristics, excluding flow, specified in Part I.A. of this Permit.

37. Pollutant of Concern - means those pollutants for which a water body is listed as impaired or which contribute to the listed impairment.

38. Pollution Abatement and/or Prevention Plan (PAP Plan) – mining operations plan developed to minimize impacts on water quality to avoid a contravention of the applicable water quality standards as defined in ADEM Admin. Code r. 335-6-9-.03

39. Preparation, Dry - means a dry preparation facility within which the mineral/material is cleaned, separated, or otherwise processed without use of water or chemical additives before it is shipped to the customer or otherwise utilized. A dry preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Dry preparation also includes minor water spray(s) used solely for dust suppression on equipment and roads to minimize dust emissions.

40. Preparation, Wet - means a wet preparation facility within which the mineral/material is cleaned, separated, or otherwise processed using water or chemical additives before it is shipped to the customer or otherwise utilized. A wet preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Wet preparation also includes mineral extraction/processing by dredging, slurry pumping, etc.

41. Privately Owned Treatment Works - means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".

42. Publicly Owned Treatment Works (POTW) - means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.

43. Receiving Stream - means the "waters" receiving a "discharge" from a "point source".

44. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

45. 10-year, 24-hour precipitation event - means that amount of precipitation which occurs during the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

46. TKN - means the pollutant parameter Total Kjeldahl Nitrogen.

47. TON - means the pollutant parameter Total Organic Nitrogen.

48. TRC - means Total Residual Chlorine.

49. TSS – means the pollutant parameter Total Suspended Solids

50. Treatment facility and treatment system - means all structures which contain, convey, and as necessary, chemically or physically treat mine and/or associated preparation plant drainage, which remove pollutants limited by this Permit from such drainage or wastewater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.

51. 24HC - means 24-hour composite sample, including any of the following:

    a. The mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;

    b. A sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or

    c. A sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.

52. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

53. 2-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

54. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.

55. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). "Waters" include all "navigable waters" as defined in §502(7) of the FWPCA, 33 U.S.C. §1362(7), which are within the State of Alabama.

56. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

57. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined

as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

E. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

1. Discharges from disposal or landfill activities as described in ADEM Admin. Code div. 335-13 are not authorized by this Permit unless specifically approved by the Department.

2. Relocation, diversion, or other alteration of a water of the State is not authorized by this Permit unless specifically approved by the Department.

3. Lime or cement manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

4. Concrete or asphalt manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

5. The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the Permittee or not identified in the application for this Permit or not identified specifically in the description of an outfall in this Permit is not authorized by this Permit.

G. DISCHARGES TO IMPAIRED WATERS

1. This Permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law, or unless compliance with the limitations and requirements of the Permit ensure that the discharge will not contribute to further degradation of the receiving stream. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's §303(d) list or on an EPA-approved or EPA-established TMDL. Pollutants of concern are those pollutants for which the receiving water is listed as impaired or contribute to the listed impairment.

2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

3. If the facility discharges to impaired waters as described above, it must determine whether a TMDL has been developed and approved or established by EPA for the listed waters. If a TMDL is approved or established during this Permit cycle by EPA for any waters into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of any water discharged by the Permittee. Within six (6) months of the date of TMDL

approval or establishment, the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL, if necessary. Any revised BMP plans must be submitted to the Department for review. The facility must include in the BMP plan a monitoring component to assess the effectiveness of the BMPs in achieving the allocations.

H. MANGANESE EXEMPTION DISCHARGE LIMITATIONS

Limitations and monitoring requirements for total manganese do not apply if the drainage, before any treatment, has a pH equal to or more than 6.0 s.u. and a total iron concentration of less than 10.0 mg/l. Use of this exemption must be noted on the Discharge Monitoring Report (DMR) form when submitted for each eligible outfall. Documentation of alkaline mine drainage before treatment must also be submitted at the time of or prior to the associated DMR submitta

I. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR ACUTE TOXICITY

Except as provided below, the Permittee shall perform 48-hour acute toxicity screening tests on the discharges required to be tested for acute toxicity in Part I.A. of this Permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1. Test Requirements

a. The tests shall be performed using undiluted effluent.

b. Any test where survival in the effluent concentration is less than 90% and statistically lower than the control indicates acute toxicity and constitutes noncompliance with this Permit.

2. General Test Requirements

a. A grab sample shall be obtained for use in above biomonitoring tests. The holding time for each sample shall not exceed 36 hours. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-012 or most current edition or another control water selected by the Permittee and approved by the Department.

b. Effluent toxicity tests in which the control survival is less than 90% or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the Permittee shall rerun the tests as soon as practical within the monitoring period.

c. In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

d. Should results from five consecutive testing periods indicate that the effluent does not exhibit acute toxicity the Permittee may request, in writing, that the Toxicity monitoring and reporting requirements be suspended. It remains the responsibility of the Permittee to comply with the Toxicity monitoring and reporting requirements until written authorization to suspend the monitoring and reporting is received by the Permittee from the Director.

3. Reporting Requirements

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

4. Additional Testing Requirements

a. If acute toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid acute toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the acute toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

b. After evaluation of the results of the additional tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The Permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

5. Test Methods

The tests shall be performed in accordance with the latest edition of the "EPA Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" and shall be performed using the fathead minnow (*Pimephales promelas*) and the cladoceran (*Ceriodaphnia dubia*).

6. Effluent Toxicity Testing Reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any time suspend or reinstate this requirement or may increase or decrease the frequency of submittals.

a. Introduction

(1) Facility Name, location and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection date (MGD, CFS, GPM)

c. Source of Effluent Water and Dilution Water

(1) Effluent samples

(i) Sample point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Sample temperature when received at the laboratory

(vi) Lapsed time from sample collection to delivery

(vii) Lapsed time from sample collection to test initiation

(2) Dilution Water samples

(i) Source

(ii) Collection date(s) and time(s) (where applicable)

(iii) Pretreatment (if applicable)

(iv) Physical and chemical characteristics (pH, hardness, water temperature, alkalinity, specific conductivity, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Feeding frequency, and amount and type of food

(12) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent acute reference toxicant test(s), raw data, and current cusum chart(s)

(3) Results of reference toxicant test(s) (LC50, etc.), report concentration-response relationship and evaluate test sensitivity. The most recent reference toxicant test shall be conducted within 30 days of the routine.

(4) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: LC50, NOAEC, Pass/Fail (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (LC50, NOAEC, Pass/Fail, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD)

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Action to be taken

J. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR CHRONIC TOXICITY

Except as provided below, the Permittee shall perform short-term chronic toxicity tests on the discharges required to be tested for chronic toxicity by Part I.A. of this permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1. Test Requirements (Screening Test)

a. The samples shall be diluted using appropriate control water, to the Instream Waste Concentrations (IWC) as shown below:

Outfall	IWC (% Effluent)
001-1, 002-1, 003-1	100%

b. Any test result that shows a statistically significant reduction in survival, growth or reproduction between the control and the test at the 95% confidence level indicates chronic toxicity and constitute noncompliance with this permit.

2. General Test Requirements

a. A grab sample shall be obtained for use in the above biomonitoring tests and collected every other day so that the laboratory receives water samples on the first, third and fifth

day of the seven-day test period. The holding time for each sample shall not exceed 36 hours, unless sample collection was not possible due to discharge cessation. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-013 or the most current edition or another control water selected by the Permittee and approved by the Department.

b. Should the discharge cease prior to the third grab sample on the fifth day of discharge, the chronic test shall be terminated early and the code "NODI=F" shall be reported on the DMR to indicate insufficient flow. A report of insufficient flow shall not indicate noncompliance with the chronic toxicity testing requirements.

c. Effluent toxicity tests in which the control survival is less than 80%, *P. promelas* dry weight per surviving control organism is less than 0.25 mg, Ceriodaphnia number of young per surviving control organism is less than 15, Ceriodaphnia reproduction where less than 60% of surviving control females produce three broods or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the Permittee shall rerun the tests as soon as practical within the monitoring period.

d. In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

e. Should results from five consecutive testing periods indicate that the effluent does not exhibit chronic toxicity, the Permittee may request, in writing, that the Toxicity monitoring and reporting requirements be suspended. It remains the responsibility of the Permittee to comply with the Toxicity monitoring and reporting requirements until written authorization to suspend the monitoring and reporting is received by the Permittee from the Director.

3. Reporting Requirements

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

4. Additional Testing Requirements

a. If chronic toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid chronic toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the chronic toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

b. After evaluation of the results of the additional tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The Permittee may be required to perform a Toxicity Identification Evaluation

(TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

5. Test Methods

The tests shall be performed in accordance with the latest edition of the "EPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms." The Larval Survival and Growth Test, Methods 1000.0, shall be used for the fathead minnow (*Pimephales promelas*) test and the Survival and Reproduction Test, Method 1002.0, shall be used for the cladoceran (*Ceriodaphnia dubia*) test.

6. Effluent Toxicity Testing Reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any times suspend or reinstate this requirement or may decrease or increase the frequency of submittals.

a. Introduction

(1) Facility name, location and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge Operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection dates (MGD, CFS, GPM)

(3) Design flow of treatment facility at time of sampling

c. Source of Effluent and Dilution Water

(1) Effluent samples

(i) Sampling point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Lapsed time from sample collection to delivery

(vi) Lapsed time from sample collection to test initiation

(vii) Sample temperature when received at the laboratory

(2) Dilution Water

(i) Source

(ii) Collection/preparation date(s) and time(s)

(iii) Pretreatment (if applicable)
(iv) Physical and chemical characteristics (water temperature, pH, alkalinity, hardness, specific conductance, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Specify if aeration was needed

(12) Feeding frequency, amount and type of food

(13) Specify if (and how) pH control measures were implemented

(14) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease(s) treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent chronic reference toxicant test(s), raw data and current control chart(s). The most recent chronic reference toxicant test shall be conducted within 30 days of the routine.

(3) Dilution water utilized in reference toxicant test

(4) Results of reference toxicant test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship and evaluate test sensitivity

(5) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: NOECs, IC25s, PASS/FAIL, etc. (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD) calculated for sublethal endpoints determined by hypothesis testing.

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Actions to be taken

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

ANTIDEGRADATION RATIONALE

Company Name: Industrial Carbon Products, LLC

Facility Name: Southern Red Rock

County: Jefferson

Permit Number: AL0059684

Prepared by: Ange Boatwright

Date: December 8, 2025

Receiving Waters: Unnamed Tributary to Lost Creek

Stream Category: Tier II as defined by ADEM Admin. Code 335-6-10-.12

Discharge Description: This proposed permit covers a Red Rock, Crushed Stone, and Coke Mining facility, dry and wet preparation, transportation and storage, and associated areas which discharge to surface waters.

The following preliminary determination was prepared in accordance with ADEM Admin. Code 335-6-10-.12 (7) (c):

The Department has reviewed the information submitted by applicant in accordance with ADEM Admin. Code 335-6-10-.12(9). The applicant has demonstrated that there are no technically or economically viable treatment options in its alternatives analysis that would completely eliminate a direct discharge.

The permit applicant has indicated that the following economic and social benefits will result from this project:

1. The Permittee expects to hire approximately 5 additional workers from the local community and continue the employment of the current employees if the permit is issued.
2. The Permittee expects to pay $7500 in state payroll taxes annually, which would increase over time to $250,000 with the additional planned employees.
3. The Permittee submits that with the issuance of the Permit, they can continue the reclamation of the exposed gob material which will have a positive impact on the water quality of the receiving stream.

The Department has determined that the discharge proposed by the permit applicant is necessary for important economic and social development in the area of the outfall location in the receiving water.

Reviewed By: William McClimans

Date: December 8, 2025

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name:	Industrial Carbon Products, LLC
Facility Name:	Southern Red Rock
County:	Jefferson
Permit Number:	AL0059684
Prepared by:	Ange Boatwright
Date:	November 24, 2025
Receiving Waters:	Unnamed Tributary to Lost Creek
Permit Coverage:	Red Rock Mine, Wet and Dry Preparation, Transportation and Storage, and Associated Areas
SIC Code:	1429

The Department has made a tentative determination that the available information is adequate to support reissuance and transfer of this permit.

This proposed permit covers a wet and dry preparation red rock mine, transportation and storage, and associated areas which discharge to surface waters of the state. The mined material consists of 70% red rock, 20% crushed stone, and 10% coke.

The proposed permit authorizes treated discharges into an unnamed tributary to Lost Creek, classified as Fish and Wildlife (F&W) per ADEM Admin. Code ch. 335-6-11. If the requirements of the proposed permit are fully implemented, the facility will not discharge pollutants at levels that will cause or contribute to a violation of the F&W classification.

Full compliance with the proposed permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable instream State water quality standards (WQS) for the receiving stream.

The proposed activity consists of the processing of tailings material left from a former coal mine. The pollutants to be discharged from this type of facility are expected to be similar to that of an active coal mining operation, therefore the discharge limitations were developed based on 40 CFR Part 434 (pH, Total Suspended Solids, Total Iron as Fe, and Total Manganese as Mn) and ADEM Admin. Code r. 335-6-10-.09.

40 CFR 434 includes the TBEL of 6.0 – 9.0 s.u. for pH. However, the applicable State water quality criteria for pH in streams classified as F&W is 6.0 – 8.5 s.u. per ADEM Admin. Code r. 335-6-10-.09 and is therefore used in this permit.

Additional effluent monitoring for Specific Conductance, Sulfate as S, Total Dissolved Solids (TDS) at all outfalls is required so that future determinations can be made as to whether or not a reasonable potential to cause or contribute to an excursion of numeric or narrative WQS exists from this and similar discharges.

Chronic Whole Effluent Toxicity (WET) testing, at the instream waste concentration (IWC), is included at all Outfalls in addition to acute WET testing because discharges may occur on a continuous basis and/or do not have an instream dilution less than 100:1. The IWC was calculated using the formula provided below and was based on the estimated individual outfall flow rate (Q_n) and the receiving streams seven-day low flow ($7Q_{10}$).

$$IWC\% = \frac{Q_n}{7Q_{10} + Q_n}$$

The applicant has, in accordance with 40 CFR Part 122.21 and their NPDES permit application, submitted representative in-pond and background stream date for metals, cyanide, and total phenols as part of their application. The Department has acknowledged that the other Part A, B, and C pollutants listed in EPA Form 2C and 2D are not believed to be present in the waste stream due to the processes involved in the mining activity. Therefore, testing for the other Part A, B, and C pollutants listed in EPA Form 2C and 2D is not required.

The Department completed a reasonable potential analysis (RPA) of the discharges based on the laboratory data provided in the application. The RPA indicates whether or not pollutants in treated effluent have the potential to contribute to excursions of Alabama's in-stream WQS. Based on the analytical data submitted by the Permittee, the RPA indicates that there was a reasonable potential for instream WQS to be exceeded for Total Recoverable Selenium (Se), Dissolved Cadmium (Cd), Dissolved Copper (Cu), Dissolved Thallium (Tl), Dissolved Nickel (Ni), and Dissolved Zinc (Zn) at all Outfalls. Therefore, limitations for these metals have been added to the proposed Permit. The proposed limitations for Total Recoverable Selenium, Dissolved Cadmium, Dissolved Copper, Dissolved Thallium, Dissolved Nickel, and Dissolved Zinc were calculated as follows:
:

$$c_{dmax} = \frac{(Q_d + Q_s) \times c_r - Q_s \times c_s}{Q_d}$$

where	cdmax	=	limitation (µg/L)
	Qd	=	expected average daily discharge flow rate (cfs)
	Qs	=	calculated or statistical stream flow (cfs)
	cr	=	water quality criterion (µg/L)
	cs	=	concentration of pollutant upstream of discharge (µg/L)

The previous version of this Permit included monthly average and daily maximum monitoring for Total Recoverable Aluminum and daily maximum limitations for Dissolved Silver. A review of the Discharge Monitoring Reports (DMRs) submitted to the Department indicated that there have been no discharges during the previous permit cycle. As such, there is not enough data available to make a determination as to whether monitoring for Total Recoverable Aluminum and the daily maximum limitations for Dissolved Silver is necessary in the permit. Therefore, monitoring of Total Recoverable Aluminum and the daily maximum limitations for Dissolved Silver will remain in the permit.

The Pollution Abatement/Prevention (PAP) plan for this facility has been prepared by a professional engineer (PE) registered in the State of Alabama and is designed to ensure reduction of pollutants in the waste stream to a level that, if operated properly, the discharge will not contribute to or cause a violation of applicable State WQS. The proposed permit terms and conditions are predicated on the basis of ensuring a reduction of pollutants in the discharge to a level that reduces the potential of contributing to or causing a violation of applicable State WQS.

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design PE, as evidenced by their seal and/or signature on the application, has accepted full responsibility for the effectiveness of the waste treatment facility to treat the Permittee's effluent to meet NPDES permit limitations and requirements, and to fully comply with Alabama's WQS, when such treatment facilities are properly operated.

If there is a reasonable potential that a pollutant present in the treated discharges from a facility could cause or contribute to a contravention of applicable State WQS above numeric or narrative criteria, 40 CFR Part 122 requires the Department to establish effluent limits using calculated water quality criterion, establish effluent limits on a case-by-case basis using criteria established by EPA, or establish effluent limits based on an indicator parameter. Based on available information, potential pollutants discharged from this facility, if discharged within the concentrations allowed by this permit, would not have a reasonable potential to cause or contribute to a contravention of applicable State WQS.

Pursuant to ADEM Admin. Code r. 335-6-6-.12(r) this permit requires the Permittee to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

The applicant is not proposing discharges into a stream segment or other water of the State with an approved Total Maximum Daily Load (TMDL).

The applicant is not proposing discharges into a stream segment or other State water that is included on Alabama's current CWA §303(d) list.

The applicant is not proposing new discharges of pollutant(s) to an ADEM identified Tier I water.

The proposed permit action authorizes new discharges of pollutants to receiving waters determined by the Department to be waters where the quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (Tier II). Pursuant to ADEM Admin. Code r. 335-6-10 (Antidegradation Policy and Implementation of the Antidegradation Policy), the applicant has submitted, and the Department has reviewed and considered information regarding (1) demonstration of necessity/importance, (2) alternatives analysis, and (3) calculations of total annualized costs for technically feasible treatment alternatives regarding the proposed new discharges to Tier II waters. The Department has determined, based on the applicant's demonstration, that the proposed new discharges to the Tier II waters are necessary for important economic or social development in the area in which the waters are located.

Facility Name: Industrial Carbon Products, LLC - Southern Red Rock

NPDES No.: AL0059684 Outfalls 001, 002 and 003[123]

		Freshwater F&W classification.		Freshwater Acute (µg/l) Q_s =1Q10						Freshwater Chronic (µg/l) Q_s = 7Q10						Human Health Consumption Fish only (µg/l) Carcinogen Q_s = Annual Average Non-Carcinogen Q_s = 7Q10			
ID	Pollutant	RP?	Carcinogen yes	Background Instream (Cs) Daily Max	Max Daily Discharge as reported by Applicant[4] (C_{dmax})	Water Quality Criteria (C_f)	Draft Permit Limit (C_{dmax})	20% of Draft Permit Limit	RP?	Background Instream (Cs) Monthly Ave	Avg Daily Discharge as reported by Applicant (C_{davg})	Water Quality Criteria (C_f)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?	Water Quality Criteria (C_f)	Draft Permit Limit (C_{davg})	20% of Draft Permit Limit	RP?
1	Antimony			0	0	-	-	-	-	0	0	-	-	-	-	3.73E+02	3.73E+02	7.47E+01	No
2	Arsenic		YES	0	0.33	340.000	340.000	68.000	No	0	0.33	293.542	293.542	58.708	No	3.03E-01	3.97E+00	7.94E-01	No
3	Beryllium			3.84	3.34	-	-	-	-	3.84	3.34	-	-	-	-	-	-	-	-
4	Cadmium	YES		0.74	1.81	5.974	5.974	1.195	Yes	0.74	1.81	0.535	0.535	0.107	Yes	-	-	-	-
5	Chromium/ Chromium III			0	3.56	1425.493	1425.493	285.099	No	0	3.56	185.427	185.427	37.085	No	-	-	-	-
6	Chromium/ Chromium VI			0	0	16.000	16.000	3.200	No	0	0	11.000	11.000	2.200	No	-	-	-	-
7	Copper	YES		0	149.1	38.597	38.597	7.719	Yes	0	149.1	23.315	23.315	4.663	Yes	1.30E+03	1.30E+03	2.60E+02	No
8	Lead			0	0	213.220	213.220	42.644	No	0	0	8.309	8.309	1.662	No	-	-	-	-
9	Mercury			0	0	2.400	2.400	0.480	No	0	0	0.012	0.012	0.002	No	4.24E-02	4.24E-02	8.48E-03	No
10	Nickel	YES		212	203.9	1207.438	1207.438	241.488	No	212	203.9	134.109	134.109	26.822	Yes	9.93E+02	9.93E+02	1.99E+02	Yes
11	Selenium	YES		3.9	2.62	20.000	20.000	4.000	No	3.9	2.62	5.000	5.000	1.000	Yes	2.43E+03	2.43E+03	4.86E+02	No
12	Silver			0	0	22.072	22.072	4.414	No	0	0	-	-	-	-	-	-	-	-
13	Thallium	YES		0.09	0.1	-	-	-	-	0.09	0.1	-	-	-	-	2.74E-01	2.74E-01	5.47E-02	Yes
14	Zinc	YES		407	369.1	302.613	302.613	60.523	Yes	407	369.1	305.088	305.088	61.018	Yes	1.49E+04	1.49E+04	2.98E+03	No
15	Cyanide			0	0	22.000	22.000	4.400	No	0	0	5.200	5.200	1.040	No	9.33E+03	9.33E+03	1.87E+03	No
16	Total Phenolic Compounds			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-
17	Hardness (As CaCO3)			0	0	-	-	-	-	0	0	-	-	-	-	-	-	-	-

[1]Outfalls 001, 002 and 003 discharge to an unnamed tributary to Lost Creek. The 7Q10 for the receiving stream is 0 cfs. This is the receiving stream flow value used in the calculations.

[2]Outfall 003 is reported to have the highest average discharge flow rate of 0.1319 MGD. This is the discharge flow rate used in the calculations.

[3]A hardness of 306.4 mg/L was used in the calculations based on data submitted by the Permittee.

[4]Discharge data for all parameters are the results of samples obtained from Outfall 001 at Industrial Carbon Products, LLC's Southern Red Rock facility on May 21, 2025.

NPDES Individual Permit - Modification/Reissuance - Mining (Form 315)

version 4.9

(Submission #: HQB-P13E-G4MW5, version 2)

Details

Submission ID HQB-P13E-G4MW5

Form Input

General Instructions

NPDES Individual Application - Mining and Coalbed Methane Operations - Mod/Reissuance (Form 315/549)

PLEASE CONTACT YOUR ASSIGNED PERMIT CONTACT TO DISCUSS THE TYPE OF MODIFICATION YOU SHOULD APPLY FOR BEFORE COMPLETING THIS FORM.

This form should be used to submit the following permit requests for individually permitted Mining and Coalbed Methane Operations:

Modifications/Reissuances that include Permit Transfers and/or Permittee/Facility Name Changes
Minor Modifications
Major Modifications
Reissuances
Reissuance of a permit on or after the current permit's expiration date
Revocation and Reissuance before the current permit's expiration date

Please complete all questions and attach all necessary documentation as prompted throughout the application process. Incomplete or incorrect information will delay processing.

Applicable Fees:
Minor Modifications
$3,400 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
$3.940 (Wet Preparation, Processing, Beneficiation)
$3,940 (Coalbed Methane Operations)
Major Modifications
$5,820 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
$6,860 (Wet Preparation, Processing, Beneficiation)
$6,860 (Coalbed Methane Operations)
Reissuances
$5,820 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
$6,860 (Wet Preparation, Processing, Beneficiation)
$6,860 (Coalbed Methane Operations)
Potential Add-on Fees for Major Modifications and Reissuances
$1,015 (Biomonitoring & Toxicity Limits)
$2,705 (Review of Model Performed by Others)
$4,855 (Modeling – desktop)
For assistance, please click here to determine the permit staff responsible for the site or call (334) 394-4372.

Processing Information

Purpose of Application
Reissuance and Modification of Permit Due to Approaching Expiration

Please indicate if the Permittee is applying for a permit transfer and/or name change in addition to permit modification or reissuance:
Permit Transfer

Action Type
Reissuance with Modification with NOC

Please download, print, and sign the following:
Transfer Agreement (Form 466)

Attach Transfer Agreement (Form 466)
FORM-466-SIGNED.pdf - 04/09/2025 01:18 PM
Comment
NONE PROVIDED

Briefly describe any planned changes at the facility that are included in this reissuance application:
The facility will have a permittee transfer from Southern Red Rock, LLC to Industrial Carbon Products, LLC.

Is this a coalbed methane operation?
No

Permit Information

Permit Number
AL0059684

Current Permittee Name
Southern Red Rock, LLC

Permittee

Permittee Name
Industrial Carbon Products, LLC

Mailing Address

1080 3rd Street

Pleasant Grove, AL 35127

Responsible Official

Prefix
Mr.

First Name	Last Name
Burke	Wakefield

Title
Owner

Organization Name
Industrial Carbon Products, LLC

Phone Type	Number	Extension
Business	2055934990	

Email
brjwakefield@gmail.com

Mailing Address

244 McGregor Drive

Sylvan Springs, AL 35118

Existing Permit Contacts

Affiliation Type	Contact Information	Remove?
Notification Recipient,Responsible Official,DMR Contact	Burke Wakefield, Industrial Carbon Products, LLC	*NONE PROVIDED*
Permittee	Industrial Carbon Products, LLC	*NONE PROVIDED*

Facility/Operations Information

Facility/Operations Name
Southern Red Rock

Permittee Organization Type
LLC

Parent Corporation and Subsidiary Corporations of Applicant, if any:
NONE PROVIDED

Landowner(s) Name, Address and Phone Number:
Burke Wakefield (RO)

Sub-contractor(s)/Operator(s), if known:
NONE PROVIDED

Is the Company/Permittee properly registered and in good standing with the Alabama Secretary of State's office?
Yes

Facility/Operations Address or Location Description

1080 3rd Street

Pleasant Grove, AL 35127

Facility/Operations County (Front Gate)
Jefferson

Do the operations span multiple counties?
No

Detailed Directions to the Facility/Operations
From Montgomery, take I-65N and I-20 West. Take Exit 119A, turning left onto 37th street and then left again onto Veterans Memorial Drive. Turn right onto Crawford Street after 0.6 miles, then left onto Ensley Pleasant Grove Rd. Travel for 2.5 miles then take a right onto Pleasant Grove Road. Turn left and traveling west onto 4th street. Travel 1.4 miles then turn right onto 3rd Ave. The site will be approximately 0.25 miles down on the right.

Please refer to the link below for Lat/Long map instruction help:
Map Instruction Help

Facility/Operations Front Gate Latitude and Longitude
33.501507,-86.986210

1080 3rd Street, Pleasant Grove, AL

Township(s), Range(s), Section(s) (Note: If you are submitting multiple TRSs, please separate each TRS by a semicolon. Example: T19S,R1E,S15; T20S,R2E,S16)
T18S,R4W,S5

SIC Code(s) [Please select your primary SIC code first]:
1429-Crushed and Broken Stone

CORRECTION REQUEST *(APPROVED)*
SIC Code

The correct SIC Code for this type of facility is 1429.
Created on 10/24/2025 12:09 PM by **Ange Boatwright**

NAICS Code(s) [Please select your primary NAICS code first]:
212319-Other Crushed and Broken Stone Mining and Quarrying

CORRECTION REQUEST *(APPROVED)*
NAICS Code

Please submit the correct NAICS Code for this type of facility.
Created on 10/24/2025 12:10 PM by **Ange Boatwright**

Facility/Operations Contact

Prefix
Mr.

First Name	Last Name
Burke	Wakefield

Title
Owner

Organization Name
Industrial Carbon Products, LLC

Phone Type	Number	Extension
Business	2055934990	

Email
brjwakefield@gmail.com

Member Information

Identify the name, title/position, and unless waived in writing by the Department, the resident address of every officer (a PO Box is not acceptable), general partner, LLP partner, LLC member, investor, director, or person performing a function similar to a director, of the applicant, and each person who is the record or beneficial owner of 10 percent or more of any class of voting stock of the applicant, or any other responsible official(s) of the applicant with legal or decision making responsibility or authority for the facility/operations (if this does not apply, then enter N/A after selecting "Manually Enter in Table"):

List of Names/Titles/Addresses will be entered by:
Manually Entering in Table

Name	Title/Position	Physical Address of Residence
Burke Wakefield	Principal Owner	244 McGregor Drive, Sylvan Springs, AL 35118
Tammy Wakefield	Owner	244 McGregor Drive, Sylvan Springs, AL 35118

Other than the "Company/Permittee", identify the name of each corporation, partnership, association, and single proprietorship for which any individual identified above is or was an officer, general partner, LLP partner, LLC member, investor, director, or individual performing a function similar to a director, or principal (10% or more) stockholder, that had an Alabama NPDES permit at any time during the five year (60 month) period immediately preceding the date on which this form is signed (if this does not apply, then enter N/A after selecting "Manually Enter in Table"):

List of Corporations/Partnerships/etc, Names and Titles will be entered by:
Manually Entering in Table

Name of Corporation, Partnership, Association, or Single Proprietorship	Name of Individual	Title/Position in Corporation, Partnership, Association, or Single Proprietorship
N/A	N/A	N/A

Additional Contacts (1 of 1)

ADDITIONAL CONTACTS:

Contact Type
NONE PROVIDED

Contact

First Name **Last Name**
NONE PROVIDED *NONE PROVIDED*

Title
NONE PROVIDED

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
NONE PROVIDED

Email
NONE PROVIDED

Address
[NO STREET ADDRESS SPECIFIED]
[NO CITY SPECIFIED], AL *[NO ZIP CODE SPECIFIED]*

Compliance History

Has the applicant ever had any of the following:

Event	Apply?
An Alabama NPDES, SID, or UIC permit suspended or terminated	No
An Alabama or federal environmental permit suspended/terminated	No
An Alabama State Oil Gas Board permit or other approval suspended or terminated	No
An Alabama or federal performance/environmental bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited	No

Has the applicant, parent corporation, subsidiary, general partner, LLP partner, or LLC Member had any Warning Letters, Notice of Violations (NOVs), Administrative Actions, or litigation filed by ADEM or EPA during the three year (36 month) period preceding the date on which this form is signed?
No

For this facility, list any other NPDES or other environmental permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, Alabama Department of Labor (ADOL), US Army Corp of Engineers (USACE), or other agency, to the applicant, parent corporation, subsidiary, or LLC member whether presently effective, expired, suspended, revoked, or terminated:
N/A

For other facilities, list any other NPDES or other ADEM permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, ASMC, ADOL, or USACE, to the applicant, parent corporation, subsidiary, or LLC member whether presently effective, expired, suspended, revoked, or terminated:
Sayre (AL0081248)

Anti-Degradation Evaluation

CORRECTION REQUEST *(APPROVED)*
Anti-Degradation Evaluation

Since the application was not submitted within 180 days of the expiration date a Anti-Degradation evaluation is required. Please answer "yes" to having expanded discharges and provide the requested information.
Created on 10/24/2025 12:18 PM by **Ange Boatwright**

Pursuant to ADEM Admin. Code ch. 335-6-10-.12(9), responses to the following questions must be provided by the applicant requesting NPDES permit coverage for new or expanded discharges of pollutant(s) to Tier 2 waters (except discharges eligible for coverage under general permits). As part of the permit application review process, the Department is required to consider, based on the applicant's demonstration, whether the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located. Does this modification/reissuance include new or expanded discharges to Tier II water(s)?
Yes

NOTE

If the discharge is to a Tier II waterbody as defined in ADEM Admin. Code r. 335-6-10-.12(4), complete questions below, ADEM Form 311-Alternatives Analysis, and either ADEM Form 312 or ADEM Form 313- Calculation of Total Annualized Project Costs (Public-Sector or Private-Sector Projects, whichever is applicable). ADEM Form 312 or ADEM Form 313, whichever is applicable, must be provided for each treatment discharge alternative considered technically viable.
ADEM forms can be found on the Department's website here.

What environmental or public health problem will the discharger be correcting?
Areas within the site have been previously disturbed via underground mining operations which disposed of waste material forming a large "gob" pile that mostly lacks vegetation. Discharge locations would allow more of this gob material to be processed, inherently removing some of the red rock, coke, and other potentially toxic material that is currently draining into the UT of Lost Creek. Sediment basins at the site's discharge points improve sediment control and water quality.

How much will the discharger be increasing employment (at its existing facility or as the result of locating a new facility)?
Approximately five (5) workers will be directly employed by Industrial Carbon Products, LLC over the course of 5-10 years in order to process the gob material within the drainage area of approved discharge points.

How much reduction in employment will the discharger be avoiding?
Approval of the new discharge location will allow the applicant to continue operations for 5-10 years which could potentially prevent the reduction in employees by 2-4 workers during this time.

How much additional state or local taxes will the discharger be paying?
The addition of up to five (5) employees for 5-10 years with an average annual salary of $50,000 would generate an annual payroll of $250,000. With a 3% annual state payroll tax, a total of approximately $7,500 will be paid in state payroll taxes annually and $75,000 over the course of 10 years.

What public service to the community will the discharger be providing?
Industrial Carbon Products, LLC will be contributing to the reclamation of exposed gob material within the Lost Creek Watershed that should improve sedimentation issues and provide water quality benefits to the watershed which will assist in decreasing adverse effects to downstream community properties with sediment issues and degraded waters.

What economic or social benefit will the discharger be providing to the community?
Industrial Carbon Products, LLC would hire/maintain employees from the local community to operate the site. This would benefit the employment rate of the nearby community, Pleasant Grove. Environmental impacts from past unregulated activities would be addressed by removing a gob pile and to manage a community known eye sore.

Attach Form 311 (Alternative Analysis)

Form311-Signed (Nov 3, 2025).pdf - 11/04/2025 07:36 AM
ATTACHMENT (Form 311).pdf - 11/04/2025 07:36 AM
Comment
NONE PROVIDED

Please attach Form 312 (Public Sector Projects) or Form 313 (Private Sector Projects).

Form313.pdf - 11/03/2025 07:56 AM
Comment
NONE PROVIDED

Activity Description & Information

Narrative description of activity(s):
Processing of mine tailing (gob) pile onsite consisting of gravel, red rock, and coke: material stockpiled, loaded, and transported offsite via trucks.

Total Facility/Operations Area (acres)
85.00

Total Disturbed Area (acres)
85.00

Anticipated Commencement Date
05/04/1989

Anticipated Completion Date
05/03/2030

Please identify which of the following apply to this operation:

Activity/Condition	Appy?
An existing facility/operation which currently results in discharges to State waters?	Yes
A proposed facility/operation which will result in a discharge to State waters?	No
Be located within any 100-year flood plain?	No
Discharge to Municipal Separate Storm Sewer?	No
Discharge to waters of or be located in the Coastal Zone?	No
Need/have ADEM UIC permit coverage?	No
Be located on Indian/historically significant lands?	No
Need/have ADEM SID permit coverage?	Yes
Need/have ASMC permit coverage?	No
Need/have State Oil & Gas Board permit coverage?	No
Need/have ADOL permit coverage?	No
Generate, treat, store, or dispose of hazardous or toxic waste?	No
Be located in or discharge to a Public Water Supply (PWS) watershed or be located within ? mile of any PWS well?	No
Incised pit	No

Does your facility/operation use cooling water?
No

Material to be Removed, Processed, or Transloaded

Material To Be Removed, Processed, Or Transloaded (Note: Sum must equal 100.)

Mineral(s)/Mineral product(s)	%
Coal product, coke	10
Crushed rock (other)	20
Slag, Red Rock	70
	Sum: 100

Proposed Activity To Be Conducted

Type(s) of activity presently conducted at applicant's existing facility or proposed to be conducted at facility (Select Yes or No)):

Activity	Apply?
Adjacent/associated asphalt/concrete plant(s)	No
Alternative fuels operation	No
Auger mining	No
Cement production	No
Chemical processing or leaching	No
Chemicals used in process or wastewater treatment (coagulant, biocide, etc.)	No
Construction related temporary borrow pits/areas	No
Creek/stream crossings	No
Dredging	No
Excavation	Yes
Grading, clearing, grubbing, etc.	Yes
Hydraulic mining	No
Hydraulic mining, dredging, instream or between stream-bank mining	No
Lime production	No
Low volume sewage treatment package plant	No
Mineral dry processing (crushing & screening)	Yes

Activity	Apply?
Mineral loading	Yes
Mineral storing	Yes
Mineral transportation	Yes
Mineral wet preparation	Yes
Onsite construction debris or equipment storage/disposal	No
Onsite mining debris or equipment storage/disposal	No
Other beneficiation & manufacturing operations	No
Pre-construction ponded water removal	No
Pre-mining logging or land clearing	No
Preparation plant waste recovery	No
Quarrying	Yes
Reclamation of disturbed areas	Yes
Solution mining	No
Surface mining	Yes
Synthetic fuel production	No
Underground mining	No
Waterbody relocation or other alteration	No
Within-bank mining	No

If the operation will include activities other than those listed above, please describe them below:
NONE PROVIDED

If the type of activity presently conducted or proposed is Mineral Transportation, please indicate which of the following apply:

Barge	Apply?
Barge	No
Rail	No
Truck	Yes

Fuel - Chemical Handling, Storage, & Spill Prevention Control & Countermeasures (SPCC) Plan

Will fuels, chemicals, compounds, or liquid waste be used or stored onsite?
Yes

Please identify the fuel, chemicals, compounds, or liquid waste and indicate the volume of each:

Volume (gallons)	Contents
1,000.0	Off-Road Diesel
550.0	Off-Road Diesel
550.0	Waste Oil
55.0	Low Motor Oil
10.0	Hydraulic Oil
10.0	30W Motor Oil

SPCC Plan
SPCC_Plan_2025.pdf - 04/21/2025 08:02 AM
Comment
NONE PROVIDED

ASMC Regulated Entities

Is this a coal mining operation regulated by ASMC?
No

Topographic Map Submittal

Topographic Map

Attach to this application a 7.5 minute series U.S.G.S. topographic map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the area extending to at least one mile beyond property boundaries. The topographic or equivalent map(s) must include a caption indicating the name of the topographic map, name of the applicant, facility name, county, and township, range, & section(s) where the facility are located. Unless approved in advance by the Department, the topographic or equivalent map(s), at a minimum, must show: a) An accurate outline of the area to be covered by the permit (b) An outline of the facility (c) All existing and proposed disturbed areas (d) Location of intake and discharge areas (e) Proposed and existing discharge points (f) Perennial, intermittent, and ephemeral streams (g) Lakes, springs, water wells, wetlands (h) All known facility dirt/improved access/haul roads (i) All surrounding unimproved/improved roads (j) High-tension power lines and railroad tracks (k) Contour lines, township-range-section lines (l) Drainage patterns, swales, washes (m) All drainage conveyance/treatment structures (ditches, berms, etc.) (n) Any other pertinent or significant feature.

Topographic Map
NPDES-TOPO-MAP.pdf - 04/09/2025 12:53 PM
Comment
NONE PROVIDED

Detailed Facility Map Submittal

Detailed Facility Map
NPDES-FACILITY-MAP.pdf - 04/09/2025 02:08 PM
Comment
NONE PROVIDED

Outfalls (1 of 3)

Outfall Identifier: 001

Feature Type
Outfall (External)

Outfall Identifier
001

Outfall Status
Existing

> Please be aware that you should only mark an outfall status as existing if (1) the Department has been previously notified that it was constructed as proposed or (2) it began discharge prior to this application. A proposed outfall is one that is being newly added to the permit OR one that has never discharged or has never been authorized by the Department to discharge. Should you have any questions about which status to select, please contact the Department's permit engineer for this site.

Permit Action
Reissue

Receiving Water
Lost Creek

Check below if the discharge enters the receiving water via an unnamed tributary.
Unnamed Tributary

Location of Outfall
33.50527800000000, -86.98500000000000

Are the location coordinates above still correct for this outfall?
No

New/Corrected Lat/Long Coordinates
33.505431, -86.991240

Distance to Receiving Water (ft)
1,700.0

Disturbed Area (acres)
30.0

Drainage Area (acres)
30.0

303(d) Segment?
No

TMDL Segment?
No

Please do not add a new outfall unless you are requesting a modification that includes a new outfall. All of the currently permitted outfalls are already included in this form. If you add an outfall in error, please choose "Delete" under "Permit Action" for the outfall. If you have any questions, please contact your permit engineer BEFORE proceeding.

Outfalls (2 of 3)

Outfall Identifier: 002

Feature Type
Outfall (External)

Outfall Identifier
002

Outfall Status
Existing

> Please be aware that you should only mark an outfall status as existing if (1) the Department has been previously notified that it was constructed as proposed or (2) it began discharge prior to this application. A proposed outfall is one that is being newly added to the permit OR one that has never discharged or has never been authorized by the Department to discharge. Should you have any questions about which status to select, please contact the Department's permit engineer for this site.

Permit Action
Reissue

Receiving Water
Lost Creek

Check below if the discharge enters the receiving water via an unnamed tributary.
Unnamed Tributary

Location of Outfall
33.50694400000000, -86.98722200000000

Are the location coordinates above still correct for this outfall?
Yes

Distance to Receiving Water (ft)
580.0

Disturbed Area (acres)
13.0

Drainage Area (acres)
13.0

303(d) Segment?
No

TMDL Segment?
No

Please do not add a new outfall unless you are requesting a modification that includes a new outfall. All of the currently permitted outfalls are already included in this form. If you add an outfall in error, please choose "Delete" under "Permit Action" for the outfall. If you have any questions, please contact your permit engineer BEFORE proceeding.

Outfalls (3 of 3)

Outfall Identifier: 003

Feature Type
Outfall (External)

Outfall Identifier
003

Outfall Status
Proposed

> Please be aware that you should only mark an outfall status as existing if (1) the Department has been previously notified that it was constructed as proposed or (2) it began discharge prior to this application. A proposed outfall is one that is being newly added to the permit OR one that has never discharged or has never been authorized by the Department to discharge. Should you have any questions about which status to select, please contact the Department's permit engineer for this site.

Permit Action
Reissue

Receiving Water
Lost Creek

Check below if the discharge enters the receiving water via an unnamed tributary.
Unnamed Tributary

Location of Outfall
33.50805600000000, -86.98444400000000

Are the location coordinates above still correct for this outfall?
Yes

Distance to Receiving Water (ft)
1,120.0

Disturbed Area (acres)
42.0

Drainage Area (acres)
112.0

303(d) Segment?
No

TMDL Segment?
No

Please do not add a new outfall unless you are requesting a modification that includes a new outfall. All of the currently permitted outfalls are already included in this form. If you add an outfall in error, please choose "Delete" under "Permit Action" for the outfall. If you have any questions, please contact your permit engineer BEFORE proceeding.

Discharge Characterization

EPA Form 2C, EPA Form 2D, and/or ADEM Form 567 Submittal
No, the applicant does not request a waiver and a complete EPA Form 2C, EPA Form 2D, and/or ADEM Form 567 is attached.

Please attach EPA Form 2C, EPA Form 2D, and/or ADEM Form 567.
Form567.pdf - 10/30/2025 09:16 AM
WEES, Form 2C, Special, 25052217.pdf - 10/30/2025 09:16 AM
WEES, Form 2C, Special, 25052218.pdf - 10/30/2025 09:16 AM
Comment
NONE PROVIDED

CORRECTION REQUEST *(APPROVED)*
EPA Form 567

Please submit the required discharge and in-stream background data on ADEM form 567 and the corresponding lab sheets.
Created on 10/29/2025 12:46 PM by **Ange Boatwright**

Please download the following Excel file to enter your information. Once complete, please attach to the below control.
Download spreadsheet here.

Required attachment:
Form315TableB.xlsx - 04/09/2025 09:42 AM
Comment
NONE PROVIDED

Please download the following Excel file to enter your information. Once complete, please attach to the below control.
Download spreadsheet here.

Required attachment:
Form315TableC.xlsx - 04/08/2025 10:09 AM
Comment
NONE PROVIDED

Discharge Structure Description & Pollutant Source

Please download the following Excel file to enter your information. Once complete, please attach to the below control.
Download spreadsheet here.

Required attachment:
Form315DischargeStructure.xlsx - 04/08/2025 10:12 AM
Comment
NONE PROVIDED

Variance Request

Do you intend to request or renew one or more of the CWA technology variances authorized at 40 CFR 122.21(m)?
No

Pollution Abatement & Prevention (PAP) Plan Summary (1 of 1)

Outfall(s):
001E-003P

CORRECTION REQUEST *(APPROVED)*
PAP Plan Summary

The PAP Plan Summary does not match the information in the PAP Plan or the inspection conducted in 2024.
Created on 10/29/2025 3:45 PM by **Ange Boatwright**

Outfall Questions:	Please select one:
Runoff from all areas of disturbance is controlled	Yes
Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond	Yes
Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage	Yes
Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity	Yes
Trees, boulders, and other obstructions removed from pond during initial construction	Yes
Width of top of dam greater than 12'	Yes
Side slopes of dam no steeper than 3:1	Yes
Cutoff trench at least 8' wide	Yes
Side slopes of cutoff trench no less than 1:1	Yes
Cutoff trench located along the centerline of the dam	Yes
Cutoff trench extends at least 2' into bedrock or impervious soil	Yes
Cutoff trench filled with impervious material	Yes
Embankments and cutoff trench 95% compaction standard proctor ASTM	Yes
Embankment free of roots, tree debris, stones >6" diameter, etc.	Yes
Embankment constructed in lifts no greater than 12"	Yes
Spillpipe sized to carry peak flow from a one year storm event	Yes
Spillpipe will not chemically react with effluent	Yes
Subsurface withdrawal	Yes
Anti-seep collars extend radially at least 2' from each joint in spillpipe	Yes
Splashpad at the end of the spillpipe	Yes
Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream	Yes
Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream	Yes
Emergency overflow at least 20' long	Yes
Side slopes of emergency spillway no steeper than 2:1	Yes
Emergency spillway lined with riprap or concrete	Yes
Minimum of 1.5' of freeboard between normal overflow and emergency overflow	Yes
Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam	Yes
All emergency overflows are sized to handle entire drainage area for ponds in series	Yes
Dam stabilized with permanent vegetation	Yes
Sustained grade of haul road <10%	Yes
Maximum grade of haul road <15% for no more than 300'	Yes
Outer slopes of haul road no steeper than 2:1	Yes
Outer slopes of haul road vegetated or otherwise stabilized	Yes

Outfall Questions:	Please select one:
Detail drawings supplied for all stream crossings	N/A
Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans	Yes
Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans	Yes

Identify and provide detailed explanation for any "N" or "N/A" response(s):
There are no proposed stream crossings.

Pollution Abatement & Prevention (PAP) Plan Review Checklist

General Information:	Please select one:
PE Seal with License #	Yes
Name and Address of Operator	Yes
Legal Description of Facility	Yes
Name of Company	Yes
Number of Employees	Yes
Products to be Mined	Yes
Hours of Operation	Yes
Water Supply and Disposition	Yes

Maps:	Please select one:
Topographic Map including Information from Part XIII (a) " (o) of this Application	Yes
1" " 500" or Equivalent Facility Map including Information from Part XIV of this Application	Yes

Detailed Design Diagrams:	Please select one:
Plan Views	Yes
Cross-section Views	Yes
Method of Diverting Runoff to Treatment Basins	Yes
Line Drawing of Water Flow through Facility with Water Balance or Pictorial Description of Water Flow	Yes

Narrative of Operations:	Please select one:
Raw Materials Defined	Yes
Processes Defined	Yes
Products Defined	Yes

Schematic Diagram:	Please select one:
Points of Waste Origin	Yes
Collection System	Yes
Disposal System	Yes

Post Treatment Quantity and Quality of Effluent:	Please select one:
Flow	Yes
Suspended Solids	Yes
Iron Concentration	Yes
pH	Yes

Description of Waste Treatment Facility:	Please select one:
Pre-Treatment Measures	Yes
Recovery System	Yes

Description of Waste Treatment Facility:	Please select one:
Expected Life of Treatment Basin	Yes
Measures for Ensuring Access to All Treatment Structures and Related Appurtenances including Outfall Locations	Yes
Schedule of Cleaning and/or Abandonment	Yes

Other:	Please select one:
Precipitation/Volume Calculations/Diagram Attached	Yes
BMP Plan for Haul Roads	Yes
Measures for Minimizing Impacts to Adjacent Stream (e.g., Buffer Strips, Berms)	Yes
Measures for Ensuring Appropriate Setbacks are Maintained at All Times	Yes
Methods for Minimizing Nonpoint Source Discharges	Yes
If Chemical Treatment Used, Methods for Ensuring Appropriate Dosage	Yes
Facility Closure Plans	Yes
PE Rationale(s) For Alternate Standards, Designs or Plans	Yes

Pollution Abatement & Prevention (PAP) Plan

Is this a coal mining operation regulated by ASMC?
No

PAP Plan (non-coal mining facilities)
PAP_Plan_2025-NOV.pdf - 11/04/2025 08:14 AM
Comment
NONE PROVIDED

CORRECTION REQUEST *(APPROVED)*
PAP Plan

The receiving stream mentioned in Section 4.9 on Page 10 does not match the receiving stream in the application.

The description and design information for the Outfalls does not match the inspection conducted in 2024 at the site. Also, Attachment III-B-2(a) shows a riprap spillway as the discharge structure for the sediment basins, however, Section 4.9 says that weirs will be used as the discharge structure.
Created on 10/29/2025 3:33 PM by **Ange Boatwright**

Professional Engineer (PE)

Registration License Number
34440

Professional Engineer

Prefix
Mr.

First Name	Last Name
Zachary	Wilbanks

Title
Principal Owner

Organization Name
Wilbanks Engineering & Environmental Solutions, LLC

Phone Type	Number	Extension
Business	2052859696	

Email
zach@wilbankseng.com

Address

210 Redmayne Road

Gardendale, AL 35071

Information for the Applicant

Please read the following information and acknowledge below:

Contact the Department prior to submittal with any questions or to request acceptable alternate content/format.

Be advised that you are not authorized to commence regulated activity until this application can be processed, publicly noticed, and approval to proceed is received in writing from the Department.

EPA Form(s) 1 and 2F need not be submitted unless specifically required by the Department. EPA Form(s) 2C and/or 2D are required to be submitted unless the
applicant is eligible for a waiver and the Department grants a waiver, or unless the relevant information required by EPA Form(s) 2C and/or 2D are submitted to the Department in an alternative format acceptable to the Department.

Planned/proposed mining sites that are greater than 5 acres, that mine/process coal or metallic mineral/ore, or that have wet or chemical processing, must apply for and obtain coverage under an Individual or General NPDES Permit prior to commencement of any land disturbance. Such Individual NPDES Permit coverage may be requested via this ADEM Form 315.

The applicant is advised to contact:
(1) The Alabama Surface Mining Commission (ASMC) if coal, coal fines, coal refuse, or other coal related materials are mined, transloaded, processed, etc.;
(2) The Alabama Department of Labor (ADOL) if conducting non-coal mining operations;
(3) The Alabama Historical Commission for requirements related to any potential historic or culturally significant sites;
(4) The Alabama Department of Conservation and Natural Resources (ADCNR) for requirements related to potential presence of threatened/endangered species;
(5) The US Army Corps of Engineers, Mobile or Nashville Districts, if this project could cause fill to be placed in federal waters or could interfere with navigation.

The Department must be in receipt of a completed version of this form, including any supporting documentation, and the appropriate processing fee [including Greenfield Fee and Biomonitoring & Toxicity Limits fee(s), if applicable], prior to development of a draft NPDES permit.

Acknowledgement
I acknowledge I have read and understand the information above.

Additional Attachments

Additional Attachments
NONE PROVIDED
Comment
NONE PROVIDED

Application Preparer

Application Preparer

Prefix
NONE PROVIDED

First Name **Last Name**
NONE PROVIDED *NONE PROVIDED*

Title
NONE PROVIDED

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
NONE PROVIDED

Email
NONE PROVIDED

Address
[NO STREET ADDRESS SPECIFIED]
[NO CITY SPECIFIED], AL *[NO ZIP CODE SPECIFIED]*

Fees Assessed

The following itemized fees have been assessed in accordance with Fee Schedule D and 335-1-6-.04(a) of ADEM Admin. Code Division 1 regulations based on the information provided in this application.

If the correct fees are not displayed, please contact your permit engineer PRIOR to submitting the form. Do NOT answer questions erroneously in order to have the correct fee assessed.

Wet Preparation, Processing, Beneficiation:
6860

Fee

Fee
6860

Revisions

Revision	Revision Date	Revision By
Revision 1	4/7/2025 2:17 PM	Zachary Wilbanks
Revision 2	10/29/2025 5:50 PM	Zachary Wilbanks

Agreements and Signature(s)

SUBMISSION AGREEMENTS

- ☑ I am the owner of the account used to perform the electronic submission and signature.
- ☑ I have the authority to submit the data on behalf of the facility I am representing.
- ☑ I agree that providing the account credentials to sign the submission document constitutes an electronic signature equivalent to my written signature.
- ☑ I have reviewed the electronic form being submitted in its entirety, and agree to the validity and accuracy of the information contained within it to the best of my knowledge.

Professional Engineer (PE)

A detailed, comprehensive Pollution Abatement & Prevention (PAP) Plan must be prepared, signed, and certified by a professional engineer (PE), registered in the State of Alabama, and the PE must certify as follows: "I certify under penalty of law that the technical information and data contained in this application, and a comprehensive Pollution Abatement & Prevention (PAP) Plan, including any attached SPCC plan, maps, engineering designs, etc. acceptable to ADEM, for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of this Permit, and ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B. If the PAP Plan is properly implemented and maintained by the Permittee, discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other permit requirements. The applicant has been advised that appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices as detailed in the PAP Plan must be fully implemented and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices, permit requirements, and other ADEM requirements to ensure protection of groundwater and surface water quality."

Signed By Zachary Wilbanks on 11/04/2025 at 9:55 PM

Responsible Official

This application must be signed and initialed by a Responsible Official of the applicant pursuant to ADEM Admin. Code Rule 335-6-6-.09 who has overall responsibility for the operation of the facility. I certify under penalty of law that this document, including technical information and data, the PAP Plan, including any SPCC plan, maps, engineering designs, and all other attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the PE and other person or persons under my supervision who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations. A comprehensive PAP Plan to prevent and minimize discharges of pollution to the maximum extent practicable has been prepared at my direction by a PE for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B, and information contained in this application, including any attachments. I understand that regular inspections must be performed by, or under the direct supervision of, a PE and all appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices identified by the PE must be fully implemented prior to and concurrent with commencement of regulated activities and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices and ADEM requirements. I understand that the PAP Plan must be fully implemented and regularly maintained so that discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other requirements to ensure protection of groundwater and surface water quality. I understand that failure to fully implement and regularly maintain required management practices for the protection of groundwater and surface water quality may subject the Permittee to appropriate enforcement action." "I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form." "I further certify that the discharges described in this application have been tested or evaluated for the presence of non-stormwater discharges and any non-mining associated beneficiation/process pollutants and wastewaters have been fully identified." "I acknowledge my understanding that I may be required to obtain a permit from the ADOL." "I acknowledge my understanding that if the proposed activities will be conducted in or potentially impact waters of the state or waters of the US (including wetlands), that I may be required to obtain a permit from the USACE."

Signed By Burke Wakefield on 11/10/2025 at 12:10 PM

Attachment 1 to Supplementary Form
ADEM Form 311

Alternatives Analysis

Applicant/Project: Industrial Carbon Products, LLC/Southern Red Rock

All new or expanded discharges (except discharges eligible for coverage under general permits) covered by the NPDES permitting program are subject to the provisions of ADEM's antidegradation policy. Applicants for such discharges to Tier 2 waters are required to demonstrate " . . . that the proposed discharge is necessary for important economic or social development." As a part of this demonstration, the applicant must complete an evaluation of the discharge alternatives listed below, including a calculation of the total annualized project costs for each technically feasible alternative (using ADEM Form 312 for public-sector projects and ADEM Form 313 for private-sector projects). Alternatives with total annualized project costs that are less than 110% of the total annualized project costs for the Tier 2 discharge proposal are considered viable alternatives.

Alternative	Viable	Non-Viable	Comment
1 Land Application		X	Non-Viable. Please see supporting documentation.
2 Pretreatment/Discharge to POTW		X	Non-Viable. Please see supporting documentation.
3 Relocation of Discharge		X	Non-Viable. Please see supporting documentation.
4 Reuse/Recycle		X	Non-Viable. Please see supporting documentation.
5 Process/Treatment Alternatives		X	Non-Viable. Please see supporting documentation.
6 On-site/Sub-surface Disposal		X	Non-Viable. Please see supporting documentation.
(other project-specific alternatives considered by the applicant; attach additional sheets if necessary)			
7			
8			
9			

Pursuant to ADEM Administrative Code Rule 335-6-3-.04, I certify on behalf of the applicant that I have completed an evaluation of the discharge alternatives identified above, and reached the conclusions indicated.

Signature: ZACHARY WILBANKS Digitally signed by ZACHARY WILBANKS Date: 2025.11.03 16:28:59 -06'00'

(Professional Engineer)

Date: 11/3/2025

(Supporting documentation to be attached, referenced, or otherwise handled as appropriate.)

ATTACHMENT – ALTERNATIVES ANALYSIS
SUPPORTING DOCUMENTATION

1) Land Application

All surface drainage from disturbed areas will pass through an approved sedimentation pond before leaving the permit area. The quantity of stormwater runoff is too great to use this method.

2) Pretreatment/Discharge to POTW by SID Permit

There are no Publicly Owned Treatment Works Facility located in the general area of the mine site. The nearest POTW facility, the Village Creek Water Reclamation Facility, is located approximately 7.1 miles away and Valley Creek Water Reclamation Facility is located approximately 8.7 miles away from the site.

3) Relocation of Discharge

Based on topographic mapping and aerial photography, the two existing outfalls and one proposed outfall are located at the most economically feasible location to control surface runoff from the site. The surrounding topography is of such steepness that the outfalls cannot be relocated.

4) Reuse/Recycle- Pollution Prevention

Stormwater from the sedimentation basin located at Outfall 002 is pumped out to facilitate makeup water in preparing materials at the facility. The amount of water needed for this activity does not prevent the potential for discharges though. Stormwater from Outfall 001 is not reused nor needed for the operation. Once the sedimentation basin at Outfall 003 is constructed, water from this location will not be reused or needed either. It is non-viable to reuse/recycle all stormwater and prevent discharges at the facility.

5) Other Process/Treatment Alternatives

There are no other processes or treatment alternatives of stormwater runoff other than treatment through approved sedimentation basins.

6) On-site/Sub-surface Disposal

Industrial Carbon Products, LLC maintains an Underground Injection Control (UIC) permit for this site but withdrawals wells or injections wells have not been installed at the facility. The facility has not needed to install a well to withdraw water for the operation and has not generated waste that needs to be injected via sub-surface disposal. Based on the current and proposed operations, this alternative is non-viable at this time.

Calculation of Total Annualized Project Costs for Private-Sector Projects

Capital Costs to be Financed (Supplied by applicant)	$ 25,000 (1)
Interest rate for Financing (Expressed as a decimal)	0.10 (i)
Time Period of Financing (Assume 10 years*)	10 years (n)
Annualization Factor = $\frac{i}{(1+i)^{10} - 1} + i$	0.16275 (2)
Annualized Capital Cost [Calculate: (1) x (2)]	$ 4,068 (3)
Annual Cost of Operation and Maintenance (including but not limited to monitoring, inspection, permitting fees, waste disposal charges, repair, administration and replacement)**	$ 1,660 (4)
Total Annual Cost of Pollution Control Project [(3) + (4)]	$ 30,728 (5)

* While actual payback schedules may differ across projects and companies, assume equal annual payments over a 10-year period for consistency in comparing projects.

** For recurring costs that occur less frequently than once a year, pro rate the cost over the relevant number of years (e.g., for pumps replaced once every three years, include one-third of the cost in each year).

The applicant is required to supply outfall number(s) as it appears on the map(s) required by this application [if this application is for a modification to an existing permit do not change the numbering sequence of the permitted outfalls], describe each, (e.g., pipe, spillway, channel, tunnel, conduit, well, discrete fissure, or container), and identify the origin of pollutants. The response must be precise for each outfall. If the discharge of pollutants from any outfall is the result of commingling of waste streams from different origins, each origin must be completely described.

Description of Origin of Pollutants – typical examples: (1) Discharge of drainage from the underground workings of an underground coal mine, (2) Discharge of drainage from a coal surface mine, (3) Discharge of drainage from a coal preparation plant and associated areas, (4) Discharge of process wastewater from a gravel-washing plant, (5) Discharge of wastewater from an existing source coal preparation plant, (6) Discharge of drainage from a sand and gravel pit, (7) Pumped discharge from a limestone quarry, (8) Controlled surface mine drainage (pumped or siphoned), (9) Discharge of drainage from mine reclamation, (10) Other (please describe):

Outfall	Discharge structure Description	Description of Origin of pollutants	Surface Discharge	Groundwater Discharge	Wet Prep -Other Production Plant	Pumped or Controlled Discharge	Low Volume STP
001E	Pipe	(3)(4)(6)	X	N/A	X	N/A	N/A
002E	Pipe	(3)(4)(6)	X	N/A	X	N/A	N/A
003P	Pipe	(4)(6)	X	N/A	N/A	N/A	N/A

The applicant is required to supply the following information separately for every proposed (P) or existing (E) outfall. List expected average daily discharge flow rate in cfs and gpd; frequency of discharge in hours per day and days per month; average summer and winter temperature of discharge(s) in degrees centigrade; average pH in standard units; and average daily discharges in pounds per day of BOD5, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay or if otherwise believed present):

Outfall E/P	Information Source - # of Samples	Flow (cfs)	Flow (gpd)	Frequency (hours/day)	Frequency (days/month)	Sum/Win Temp, (°C)	pH (s.u.)	BOD5 (lbs/day)	TSS (lbs/day)	Tot Fe (lbs/day)	Tot Mn (lbs/day)	Tot Al (lbs/day)
001E	BPE	0.07	42.4K	Precipitation	Precipitation	26/7	6.1	0.71	7	0.11	0.04	N/A
002E	BPE	0.03	18.4K	Precipitation	Precipitation	26/7	6.4	0.31	3	0.05	0.02	N/A
003P	BPE	0.25	158.4K	Precipitation	Precipitation	26/7	6.7	2.63	26	0.4	0.13	N/A

The applicant is required to supply the following information separately for every proposed or existing outfall. Identify and list expected average daily discharge of any other pollutant(s) listed in EPA Form 2C Tables A, B, C, D, and E that are not referenced in Part XVI.B. or otherwise submitted elsewhere, that you know is present or have reason to believe could be present in the discharge(s) at levels of concern:

Outfall E/P	Reason Believed Present	Information Source - # of Samples								
			lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
(ADEM) NPDES/SID/UIC PERMIT TRANSFER AGREEMENT

Instructions: This form should be submitted when a National Pollutant Discharge Elimination System (NPDES), State Indirect Discharge (SID), or Underground Injection Control (UIC) permit is being transferred from one entity to another. Permit transfers are subject to an application fee as prescribed in ADEM Admin. Code r. 335-1-6-.04. Applicants should contact the appropriate permitting section of the Water Division to determine if other information or forms may be required in addition to this form. If immediate operational changes that warrant a permit modification are planned, an application for such changes should be submitted with this transfer agreement. **Do NOT use this form if only a name change has occurred for the facility.**

Does this transfer agreement apply to more than one facility? ☒ **No** ☐ **Yes** **If Yes, please use the Attachment page to identify the additional facilities.**

Affected NPDES/SID Permit Number(s): AL0059684

Facility Name (as it appears on the permit): Southern Red Rock

Facility Location Address (as it appears on the permit): 1080 3rd Street, Pleasant Grove, AL 35127

This Agreement is entered into this date by Company A and Company B in order to effect a transfer of Alabama Department of Environmental Management NPDES/SID Permit Number(s) referenced above or on the Attachment page of this form and the responsibility, coverage, and liability thereunder from Company A to Company B.

On the date such transfer becomes effective, Company B agrees to assume the responsibility, coverage, and liability of the permit(s). Company B also certifies that operational changes that warrant a permit modification will not be made without submitting the appropriate application. Company A agrees to relinquish all rights which it may have under said permit.

This agreement is entered into by both parties this 9 day of April, 2025; said transfer is to become effective on 4/10/2025.

Company A (Name): Southern Red Rock, LLC
Mailing Address: 1080 3rd Street, Pleasant Grove, AL 35127

By: _____
Signature of Responsible Official

Burke Wakefield
Printed Name of Responsible Official

Principal Owner
Title of Responsible Official

205-966-3346
Telephone Number

brjwakefield@gmail.com
Email Address

_____
Witness Signature

Company B (Name): Industrial Carbon Products, LLC
Mailing Address: 1080 3rd Street, Pleasant Grove, AL 35127

By: _____
Signature of Responsible Official

Burke Wakefield
Printed Name of Responsible Official

Principal Owner
Title of Responsible Official

1080 3rd Street
Mailing Address

Pleasant Grove, AL 35127
Mailing City, State, Zip Code

205-966-3346
Telephone Number

brjwakefield@gmail.com
Email Address

_____
Witness Signature

If the permit contact person for Company B is different from the Responsible Official, please complete the following:

Contact Name | Contact Title

Mailing Address | Mailing City | Mailing State | Mailing Zip

Telephone Number | Email Address

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
NPDES MINING AND PREPARATION PLANT OUTFALL DATA FOR METALS, CYANIDE, AND TOTAL PHENOLS

NPDES Permit No.:		Applicant:			Facility:
AL0059684		Industrial Carbon Products, LLC			Southern Red Rock
Outfall Sampled[1]:	Date of Sampling:	Was Sample Taken in-Pond?	Was Sample Taken from Discharge?	Substantially Identical Outfalls:	Description of Discharge:
001E	5/21/2025	☒ Yes ☐ No	☐ Yes ☒ No	All Outfalls	

Instructions: Supply the following information separately for every proposed or existing outfall evaluated or tested. If necessary, attach extra sheets. If you are a coal facility, mark "X" in appropriate column for all listed metals, cyanide, and total phenols. If the outfall is existing, you must provide the results of at least one representative analysis for that pollutant for a substantially identical existing outfall at the facility. If the outfall is proposed, you must either submit at least one representative analysis for a substantially identical existing outfall at the facility or, if not available, at least one representative analysis for a substantially identical outfall at another similar facility.

Pollutant	Mark "X"			Effluent												Instream		
	Existing Outfall (Testing Required)	Proposed Outfall – Parameter Believed Present	Proposed Outfall – Parameter Believed Absent	Maximum Daily Value		Maximum 30 Day Value (if available)		Long Term Average Value (if available)		# of Analyses	Frequency of Discharge (Days/Month Hours/Day)	EPA Approved Method Analysis Used[2]	Method Detection Limit (µ/L)	Receiving Water 7Q10 Flow (cfs)	Discharge Flow (cfs)	Background Instream Concentration (µ/L)	Instream Hardness (optional) (mg/L $CaCO_3$)[3]	Instream Flow (optional) (cfs)
				Concen-tration (µ/L)	Mass (lbs)	Concen-tration (µ/L)	Mass (lbs)	Concen-tration (µ/L)	Mass (lbs)									
1M. Antimony, Dissolved	X			<1.92	N/A					1	Precipitation Based	EPA 200.8	1.92	0.0209	N/A	<1.92		
2M. Arsenic, Dissolved Trivalent	X			0.33	N/A					1	Precipitation Based	EPA 200.8	0.30	0.0209	N/A	<0.30		
3M. Beryllium, Dissolved	X			3.34	N/A					1	Precipitation Based	EPA 200.8	2.20	0.0209	N/A	3.84		
4M. Cadmium, Dissolved	X			1.81	N/A					1	Precipitation Based	EPA 200.8	0.08	0.0209	N/A	0.74		
5M. Chromium, Dissolved	X			3.56	N/A					1	Precipitation Based	EPA 200.8	1.64	0.0209	N/A	<1.64		
6M. Copper, Dissolved	X			149.1	N/A					1	Precipitation Based	EPA 200.8	0.90	0.0209	N/A	<0.90		
7M. Lead, Dissolved	X			<0.31	N/A					1	Precipitation Based	EPA 200.8	0.31	0.0209	N/A	<0.31		
8M. Mercury, Total Recoverable	X			<0.010	N/A					1	Precipitation Based	EPA 245.7	0.010	0.0209	N/A	<0.010		
9M. Nickel, Dissolved	X			203.9	N/A					1	Precipitation Based	EPA 200.8	6.86	0.0209	N/A	212.0		
10M. Selenium, Total Recoverable	X			2.62	N/A					1	Precipitation Based	EPA 200.8	0.95	0.0209	N/A	3.90		
11M. Silver, Dissolved	X			<0.15	N/A					1	Precipitation Based	EPA 200.8	0.15	0.0209	N/A	<0.15		
12M. Thallium, Dissolved	X			0.10	N/A					1	Precipitation Based	EPA 200.8	0.08	0.0209	N/A	<0.09		
13M. Zinc, Dissolved	X			369.1	N/A					1	Precipitation Based	EPA 200.8	16.45	0.0209	N/A	407.0		
14M. Cyanide, Free	X			<3.0	N/A					1	Precipitation Based	SM4500-CN-E	3.0	0.0209	N/A	<3.0		
15M. Phenols, Total	X			<6.0	N/A					1	Precipitation Based	EPA 420.1	6.0	0.0209	N/A	<6.0		

[1] Sampling results must be representative of the discharge.

[2] Test methods used must be in accordance with 40 CFR Part 136 and 40 CFR 122.21(g)(7)(i).

[3] The Department may assume Instream Hardness ($CaCO_3$) based on available information, the location of the discharge, and/or best professional judgment.

Date Printed: 6/25/2025

Client: **Wilbanks Engineering & Environmental Solutions**
4117 Skyline Drive
Warrior, AL 35180

Location: SRR -- 001E Inpond
Sample Date: 5/21/2025
Sampled By: Client

REPORT OF FINDINGS

Lab ID: 25052217-01

Analyte	Result	Minimum Level / Units	Method	Analysis Date	Analyst
Antimony, Dissolved	BML	1.92 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Arsenic III	0.33	0.30 µg/L	EPA200.8/HPLC	6/5/2025	KyleThomas
Arsenic, Dissolved	0.91	0.27 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Arsenic, Total	0.97	0.27 µg/L	EPA200.8	5/23/2025 1:33:31 PM	KyleThomas
Beryllium, Dissolved	3.34	2.20 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Cadmium, Dissolved	1.81	0.08 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Chromium, Dissolved	3.56	1.64 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Copper, Dissolved	149.1	0.90 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Cyanide, Total	BML	3.0 µg/L	SM4500-CN-E	6/24/2025	KyleThomas
Flow/MGD	NA	MGD	EPA5.1	5/21/2025	Wilbanks Engineering & Environmental Solutions
Hardness	119.5	meq CaCO3/L	SM2340-B	5/23/2025	Calculation
Lead, Dissolved	BML	0.31 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Mercury, Total	BML	0.010 µg/L	EPA245.7	5/28/2025 5:33:00 PM	KyleThomas
Nickel, Dissolved	203.9	6.86 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Phenols, Total	BML	6.0 µg/L	EPA420.1	6/23/2025	KyleThomas
Selenium, Total	2.62	0.95 µg/L	EPA200.8	5/23/2025 1:33:31 PM	KyleThomas
Silver, Dissolved	BML	0.15 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Thallium, Dissolved	0.10	0.08 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas
Zinc, Dissolved	369.1	16.45 µg/L	EPA200.8	5/23/2025 1:37:22 PM	KyleThomas

Analysis Approved: 6/25/2025

Dylan Garner
Laboratory Manager

BML = Below Minimum Level

Post Office Box 3431 • 450 19th Street • Jasper, Alabama 35502-3431 • 205-221-0686 • Fax 205-221-7721 • www.mcgehee.org

Date Printed: 6/25/2025

Client: **Wilbanks Engineering & Environmental Solutions**
4117 Skyline Drive
Warrior, AL 35180

Location: SRR -- Goolsby Hollow
Sample Date: 5/21/2025
Sampled By: Client

REPORT OF FINDINGS

Lab ID: 25052218-01

Analyte	Result	Minimum Level / Units	Method	Analysis Date	Analyst
Antimony, Dissolved	BML	1.92 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Arsenic III	BML	0.30 µg/L	EPA200.8/HPLC	6/5/2025	KyleThomas
Arsenic, Dissolved	0.90	0.27 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Arsenic, Total	1.34	0.27 µg/L	EPA200.8	5/23/2025 1:41:18 PM	KyleThomas
Beryllium, Dissolved	3.84	2.20 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Cadmium, Dissolved	0.74	0.08 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Chromium, Dissolved	BML	1.64 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Copper, Dissolved	BML	0.90 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Cyanide, Total	BML	3.0 µg/L	SM4500-CN-E	6/24/2025	KyleThomas
Flow/MGD	NA	MGD	EPA5.1	5/21/2025	Wilbanks Engineering & Environmental Solutions
Hardness	306.4	meq CaCO3/L	SM2340-B	5/23/2025	Calculation
Lead, Dissolved	BML	0.31 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Mercury, Total	BML	0.010 µg/L	EPA245.7	5/28/2025 5:38:00 PM	KyleThomas
Nickel, Dissolved	212.0	6.86 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Phenols, Total	BML	6.0 µg/L	EPA420.1	6/23/2025	KyleThomas
Selenium, Total	3.90	0.95 µg/L	EPA200.8	5/23/2025 1:41:18 PM	KyleThomas
Silver, Dissolved	BML	0.15 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Thallium, Dissolved	0.09	0.08 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas
Zinc, Dissolved	407.0	16.45 µg/L	EPA200.8	5/23/2025 1:45:10 PM	KyleThomas

Analysis Approved: 6/25/2025

Dylan Garner
Laboratory Manager

BML = Below Minimum Level

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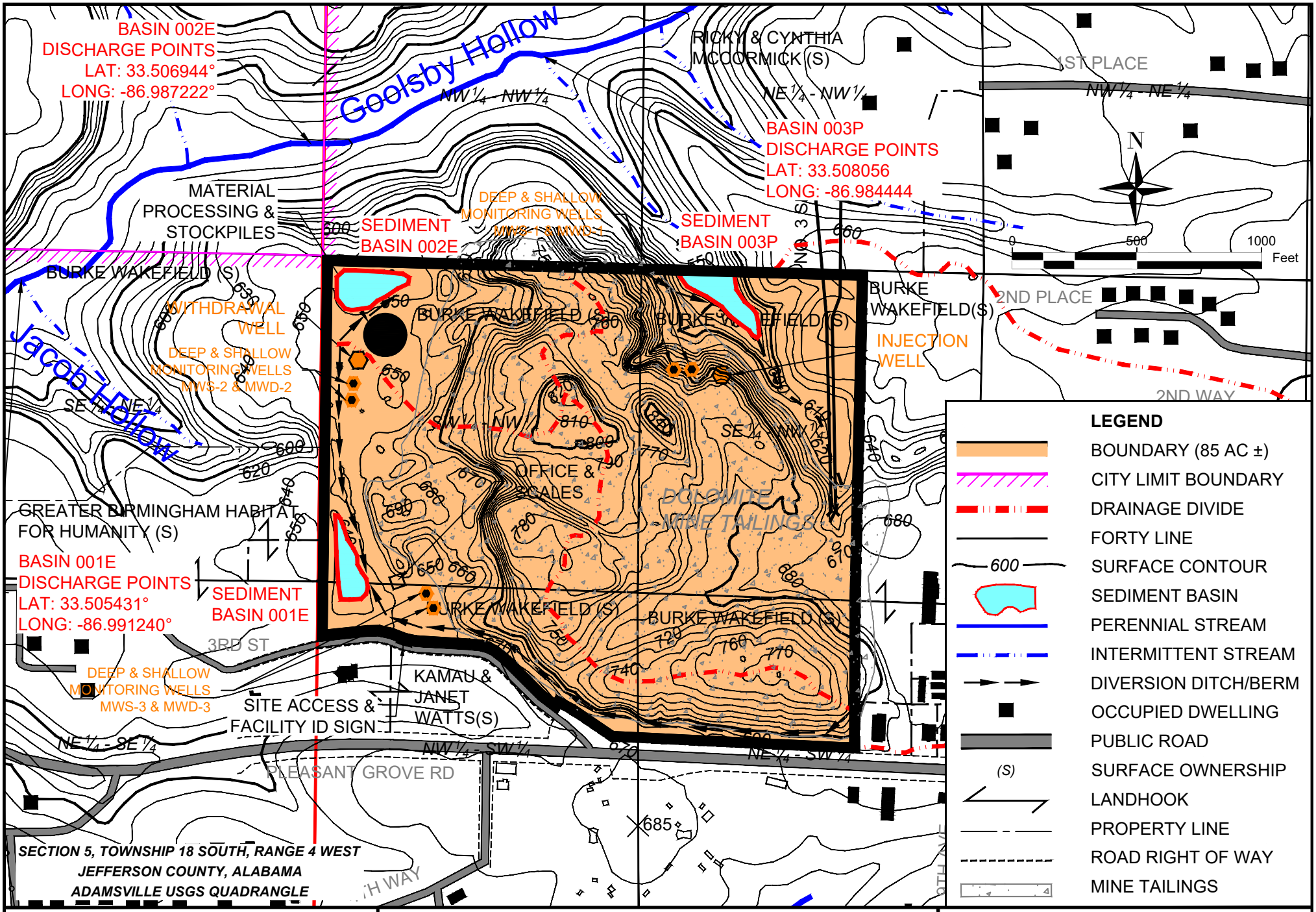
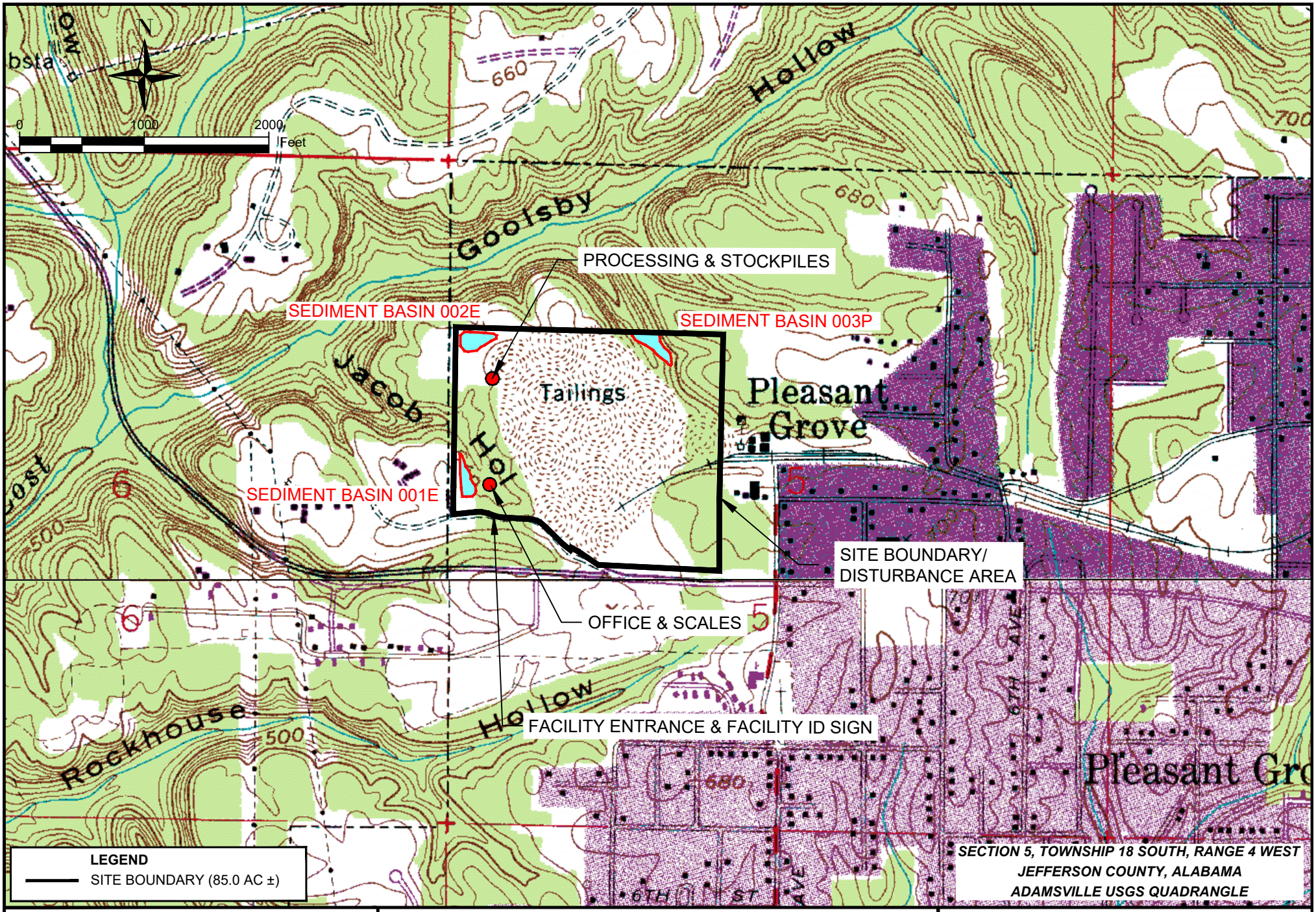


ADEM NDPES PERMIT AL0059684	**DETAILED FACILITY MAP**	SCALE: 1" = 500'
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	**INDUSTRIAL CARBON PRODUCTS, LLC** SOUTHERN RED ROCK - PLEASANT GROVE, AL	DATE: 04/10/2025
		DRAWN BY: CCC



ADEM NDPES PERMIT AL0059684	**TOPOGRAPHIC MAP**	SCALE: 1" = 1,000'
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	**INDUSTRIAL CARBON PRODUCTS, LLC** SOUTHERN RED ROCK - PLEASANT GROVE, AL SITE	DATE: 04/10/2025 DRAWN BY: CCC

DATE:
APRIL 2025

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) PLAN

for

INDUSTRIAL CARBON PRODUCTS, LLC

SOUTHERN RED ROCK

1080 3RD STREET, PLEASANT GROVE, AL 35127

Prepared by

WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC

210 REDMAYNE RD., GARDENDALE, AL 35071 (205) 285-9696

Section	Title	Rule Citation
Section 1.0	**Facility Information**	
1.1	General	
1.2	Facility Operations	
Section 2.0	**PE Certification of the Plan**	112.3
Section 3.0	**Amendments to the Plan**	112.4 and 112.5
3.1	Determination of Needed Amendments by EPA/State Agencies following spills	112.4(a),(b) &(c)
3.2	Amendments as required by EPA/State Agencies	112.4(d) & (e)
3.3	Amendments due to facility changes or 5 year review	112.5(a) & (b)
3.4	Technical Amendments Certified by P.E.	112.5(c)
Section 4.0	**General Requirements for SPCC Plans**	112.7
4.1	Written Commitment of Manpower, Equipment and Materials	112.7
4.2	Proposed facilities, methods or equipment not yet fully operational	112.7
4.3	Detailed Requirements	
4.3.1	Discussion of Facility Conformance	112.7(a)(1)
4.3.2	Deviations from Requirements	112.7(a)(2)
4.3.3	Physical Layout and Facility Diagram	112.7(a)(3)
4.3.3.1	Container Capacity and Content	112.7(a)(3)(i)
4.3.3.2	Discharge Prevention Measures	112.7(a)(3)(ii)
4.3.3.3	Discharge and Drainage Controls	112.7(a)(3)(iii)
4.3.3.4	Countermeasures	112.7(a)(3)(iv)
4.3.3.5	Methods of Disposal of Recovered Material	112.7(a)(3)(v)
4.3.3.6	Emergency Contacts	112.7(a)(3)(vi)
4.3.4	Discharge Reporting Information	112.7(a)(4)
4.3.4.1	Petroleum Product Spill	112.7(a)(4)(i)
4.3.4.2	CERCLA Spills	112.7(a)(4)(ii)
4.3.5	Emergency Procedures	112.7(a)(5)
4.4	Potential Spill Predictions, Volumes, Rates and Controls	112.7(b)
4.5	Discharge Prevention Procedures	112.7(c)
4.6	Containment Not Practical	112.7(d)
4.7	Inspection, Test and Records	112.7(e)
4.8	Personnel Training and Discharge Prevention Procedures	112.7(f)
4.8.1	Personnel Training	112.7(f)(1)
4.8.2	Designated Person Accountable for Discharge Prevention	112.7(f)(2)
4.8.3	Discharge Prevention Briefings	112.7(f)(3)
4.9	Security	112.7(g)
4.9.1	Facility Fencing	112.7(g)(1)
4.9.2	Securing of Containment Drain	112.7(g)(2)
4.9.3	Locking of Oil Pump	112.7(g)(3)
4.9.4	Securing of Loading/Unloading Connections	112.7(g)(4)
4.9.5	Facility Lighting	112.7(g)(5)
4.10	Facility Loading/Unloading Racks	112.7(h)
4.10.1	Containment for Loading/Unloading Racks	112.7(h)(1)
4.10.2	Warning Systems	112.7(h)(2)
4.10.3	Vehicle Inspection Procedures	112.7(h)(3)
4.11	Brittle Fracture Evaluation of Field-Erected Containers	112.7(i)
4.12	Conformance with State Requirements	112.7(j)

SECTION 1.0
FACILITY INFORMATION

1.1 GENERAL

OWNER and OPERATOR NAME

Industrial Carbon Products, LLC.

OWNER and OPERATOR ADDRESS

1080 3rd Street
Pleasant Grove, AL 35127
Jefferson County
Telephone: (205) 593-4990

EMERGENCY COORDINATOR

Burke Wakefield, Owner
244 McGregor Drive
Sylvan Springs, AL 35118
Work Phone: (205) 593-4990
Personal Phone: (205) 966-3346

1.2 FACILITY OPERATIONS

Southern Red Rock is a red rock reclamation and mining facility. Operations include reclaiming spoil piles from former coal mining operations in order to produce red rock for wholesaling. The location where the fueling operations take place is adjacent to the office and shop. Only fueling and maintenance operations are conducted on vehicles used on-site.

SECTION 2
P.E. CERTIFICATION OF THE PLAN [40 CFR 112.3]

Facility Name: Southern Red Rock.

Date(s) site visited: January 13, 2025

Site visit performed by: Zachary Wilbanks, PE

I hereby certify that:

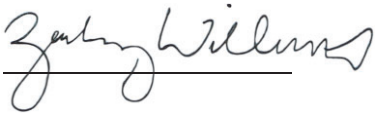
- I am familiar with the requirements of 40 CFR 112;
- I have (or my agent has) visited and examined the facility;
- The SPCC Plan has been prepared in accordance with good engineering practice, including the consideration of applicable industry standards, and with the requirements of 40 CFR 112;
- The SPCC Plan establishes procedures for required inspections and testing, and;
- The SPCC Plan is adequate for the facility.

Certifying Engineer:

Name Zachary Wilbanks

State Alabama

P.E. No. 34440

Signature: 

Certification Date: 4/15/2025

Engineering Seal: 

SECTION 3
AMENDMENTS TO THE PLAN [40 CFR 112.4 and 112.5]

3.1 Determination of Needed Amendments by EPA/State Agencies following spills [40CFR 112.4(a) & (b) &(c)]

If a facility discharges more than 1,000 gallons in a single discharge, or discharges more than 42 gallons in each of two discharges within a twelve month period, then the following information must be submitted to the EPA and any other state or local agency in charge of oil pollution control activities. **This information must be submitted within 60 days of becoming subject to this part.** These agencies will review this information and determine if changes or amendments to the SPCC plan for the facility is necessary.

Information required:

- Name of the facility
- Your name
- Location of the facility
- Maximum storage capacity of oil at the facility and normal daily usage
- Corrective actions and countermeasures taken including a description of equipment repairs and replacements
- A description of the facility including maps, flow diagrams and topographical maps
- Cause of the discharges as well as a failure analysis of the system
- Additional preventative measures taken or contemplated to prevent recurrence
- Other necessary information as required by EPA or the State

A spill report form is available in **Appendix A**.

3.2 Amendments as required by EPA/State Agencies [40 CFR 112.4(d) & (e)]

There have been no amendments to this plan as a result of EPA or ADEM comments or requirements.

Any amendments that would be required as described in Section 3.1 above must be made within 30 days of such notification, or an appeal filed in accordance with 112.4(f) in writing within 30 days of the EPA/ADEM decision.

3.3 Amendments due to facility changes or 5 year review [40 CFR 112.5(a) & (b)]

In accordance with 40 CFR 112.5, a review and evaluation of this SPCC Plan is conducted at least once every five years. As a result of this review and evaluation, Southern Red Rock will amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a spill event from the facility, and (2) if such technology has been field-proven at the time of review. Any amendment to the SPCC Plan shall be certified by a Professional Engineer within six months after a change in the facility design, construction, operation, or maintenance occurs which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines. Additionally, any changes identified in the plan must be fully implemented within 6 months thereafter.

If there are no amendments to the plan as a result of the 5-year review, a review form will be completed and maintained in the files. A copy of the form is available in **Appendix A**.

3.4 Technical Amendments Certified by P.E.

Any amendments to the plan which materially affect the facility's potential for the discharge of oil into or upon the navigable waters of the U.S. require the re-certification of the plan by the P.E. A new certification page should be included, and revision record should be amended to reflect this change.

SECTION 4
GENERAL REQUIREMENTS FOR SPCC PLANS [40 CFR 112.7]

The owner or operator of a facility subject to the spill prevention, control and countermeasures regulations must prepare a plan in accordance with good engineering practices. The plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the plan. The plan must be prepared in writing. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, those items must be discussed in separate paragraphs and the details of installation and operational start-up must be explained separately.

4.1 Written Commitment of Manpower, Equipment and Materials [40 CFR 112.7]

By my signature below, I certify that I have authority to commit the necessary resources for full implementation of this plan and that all necessary manpower, equipment and resources will be available at all times to control and remove any quantity of oil discharged that may be harmful to navigable waters and the environment.

Authorized Representative:	Burke Wakefield
Title:	Owner
Signature:	_____
Date:	_____

4.2 Proposed facilities, methods or equipment not yet fully operational [40 CFR 112.7]

All equipment discussed in this plan at the Southern Red Rock facility in Birmingham, Alabama was fully operational at the time this plan was written.

4.3 Detailed Requirements

4.3.1 Discussion of Facility Conformance [40 CFR 112.7(a) (1)]

The Southern Red Rock facility is in accordance with all Oil Pollution Prevention Rules and Regulations listed in part 112 of 40 CFR. All containment areas are capable of containing greater than 110% of the largest tank within the containment area. Responsible employees are aware of damages possible when oil encounters the environment and are committed to preventing such encounters.

4.3.2 Deviations from Requirements [40 CFR 112.7(a) (2)]

This facility is in complete conformance with all applicable requirements of 40 CFR 112.

4.3.3 Physical Layout and Facility Diagram [40 CFR 112.7(a) (3)]

Stormwater runoff from the Southern Red Rock facility is permitted through an NPDES Mining and Non-Point Source (MNPS) permit considering mining is conducted on-site. The facility's surface drainage enters Lost Creek in Goolsby Hollow via storm conveyance ditches following sedimentation basins. The facility location and diagram are shown as Figure 1 and 2, respectively.

4.3.3.1 Container Capacities and Content [40 CFR 112.7(a) (3) (i)]

Table 1

Potential Spill Sources	Maximum Spill Volume (gallons)	Secondary Containment Volume (gallons)	Comments
Area A – Fueling Area			
One (1) 1,000-gallon diesel fuel tank	1,000 gallons	The Tank is a single Walled AST, within a steel containment basin	Spills would flow into the secondary containment structure provided to this area and on to the facility's sediment basin if breached
One (1) 550-gallon diesel fuel tank	550 gallons	The Tank is a single Walled AST, within an earthen containment basin with a plastic liner	Spills would flow into the secondary containment structure provided to this area and on to the facility's sediment basin if breached
One (1) 550-gallon waste oil tank	550 gallons	The Tank is a single Walled AST, within an earthen containment basin with a plastic liner	Spills would flow into the secondary containment structure provided to this area and on to the facility's sediment basin if breached
Miscellaneous petroleum products, oils, and chemicals	Maximum 200 gallons	Consists of (1) 55-gallon drum of motor oil and 10-gallon containers of motor oil, hydraulic oil, and antifreeze	Spills would flow into the secondary containment structure provided to this area and on to the facility's sediment basin if breached

4.3.3.2 Discharge Prevention Measures [40 CFR 112.7(a) (3) (ii)]

A. General Spill Prevention Procedures

Spills and releases are most likely to result from equipment failure or operator error:

1. Operator error during loading/unloading or refueling operations. Potential errors include overfilling, not disconnecting lines prior to vehicle departure, drain valves being left open, or fill valves being left open allowing precipitation to enter and cause tank overflow. Specific procedures have been developed to minimize this potential and include regular periodic inspections, locking valves when not in use and on-the-job training in correct procedures. Because of secondary containment, release is unlikely; however, operators are instructed in proper procedures to prevent releases from secondary containment.

2. Rupture of piping, pressure fittings, or tanks, or another form of equipment failure. The potential for such a release will always exist. The rate and quantity of release would depend on the location of the rupture. Release rate could be assumed to be the total volume of the tank associated with the piping or fittings being released in 15 minutes. The release to the environment would be at that rate and the quantity would be the total volume minus the secondary containment volume. To minimize the potential for a significant release, regular inspections and maintenance are performed with noted problems addressed in a timely manner by repair, replacement, or equipment taken out of service.

3. Puncture of tank or associated piping by heavy equipment. Operators of equipment and vehicles are well trained in operating large equipment on the facility. However, should a puncture occur, the rate and volume of a release would be the same as that calculated in item 2. In addition, tanks and piping are highly visible by size, signage, flagging, or protective paint color. Where necessary, additional barriers such as protective walls or posts have been provided. In the event of night traffic, sufficient lighting is provided to make tanks and piping visible.

4. Small drips, leaks, and spills from lines or valves. Release rates would be negligible and are not likely to produce significant quantities or to have significant environmental effects. To minimize the potential for a release, equipment is inspected regularly, repaired in a timely manner when a problem is discovered, and released material is promptly cleaned up (within 72 hours). In general, this type of release presents a very low risk to the environment.

B. Standard Procedure for Tank Loading and Unloading

1. Set tank trailer brakes and block wheels. The driver must remain with the vehicle during the entire loading or unloading period.

2. Read the level indicator or visually inspect the receiving tank to be sure that sufficient space is available to receive material being transferred.

3. Place catch pans in position under plant and tank trailer connections as needed to catch any liquid that may leak during the transfer.

4. To remove the tank trailer unloading line closure:

    - Be sure the unloading line valve is closed
    - Carefully loosen the unloading line closure
    - If leakage begins, leave closure partially engaged and allow sufficient time for any accumulation of liquid in the outlet line to escape
    - If leakage stops or diminishes materially, entirely remove the closure
    - If initial rate of leakage continues, open and close the valve a couple of times to seat it
    - If the valve fails to seat and stop the leakage, screw the closure up tight
    - Contact the supervisor in charge of this operation for instruction on how to proceed.

5. When connections are secured, open the valve for liquid transfer.

6. Start pump and check to be sure there is no leakage at any of the connections or anywhere along the transfer line. **Note: Operator must remain with truck during loading/unloading. If vehicle is left unattended, operator will be considered negligent.**

4.3.3.3 Discharge and Drainage Controls [40 CFR 112.7(a) (3) (iii)]

All petroleum product tanks (oils and fuels) have either secondary containment, a collection area designed to collect materials associated with a spill or are contained in an area which contains sufficient area to contain the contents of containers held within. All containment is sized to hold 110% of any single tank located within the containment. Due to these factors and the distance to the discharge point, a release from any of the petroleum product containment into the environment is highly unlikely.

4.3.3.4 Countermeasures [40 CFR 112.7 (a) (3) (iv)]

De minimus spills of petroleum products at the site should be cleaned up as soon as practical using best management practices including: removal of free product using adsorbents, excavation of petroleum contaminated soil, and handling the subject materials as petroleum contaminated waste.

Petroleum product spills which are contained within the building or within bermed storage areas can usually be handled by on-site personnel. Small spills may require dry clean up with absorbents. A spill responder will be notified if needed to pump spilled material from a containment area. All material pumped will be placed in an appropriate container and handled according to RCRA, OSHA and Fire Code regulations. Only non-biodegradable adsorbents will be used to clean up spills.

In the event of a large spill, every effort should be made to prevent the spill from entering the open channel drainages. Appropriate measures would include immediate pumping of any pooled liquid into totes, immediate construction of temporary earthen berms, construction of temporary dams within the open channel drainage ditches and placing plastic sheets over drop inlets and covering them with soil to temporarily stop drainage during clean up operations.

In the event a spill enters either of the facility's containment basins, then emergency response contractors will be contacted immediately. In the event of such a spill, the **Pleasant Grove Fire Department** will also be contacted to access the fire hazard, and to advise the Environmental Coordinator. Emergency response personnel will then act to remove free product from the containment basin, and to remove affected soil as necessary.

4.3.3.5 Methods of Disposal of Recovered Material [40 CFR 112.7(a) (3) (v)]

De minimus spills of non-hazardous petroleum products (<42 gallons) will generally not require soil analysis during cleanup. Small quantities of non-hazardous petroleum contaminated soil may be disposed of as common industrial waste with the facility's regular solid waste service.

Soil cleanup from non-hazardous spills of greater than 42 gallons will generally require stockpiling of the excavated petroleum contaminated soil, laboratory analysis, and confirmatory sampling. All soils associated with a reportable spill event that exceeds 100 ppm TPH should be excavated for disposal as petroleum contaminated waste. All excavated soil exceeding 100 ppm shall be disposed of at a pre-approved Subtitle D lined landfill.

Analysis of soils for petroleum contaminants shall be performed for the following parameters according to the type of petroleum product causing the contamination:

1. Total petroleum hydrocarbons	Standard Method 503 EPA Method 9071
2. Benzene, ethyl benzene, toluene and total xylene	EPA Method 5030 or 3810 followed by EPA Method 8020 or 8240
3. Lead and/or MTBE	EPA Std. Method

4.3.3.6 Emergency Contacts [40 CFR 112.7(a) (3) (vi)]

If it is determined that the spill is reportable, the Emergency Coordinator will immediately contact the following agencies:

1. National Response Center (NRC)..…..… 1-800-424-8802

2. Regional Administrator
   Environmental Protection Agency, Region IV
   61 Forsyth Street, SW
   Atlanta, Georgia 30303-8960 ……..……..... (404)562-8357

3. Water Division/Field Operations
   Alabama Department of Environmental Management
   1400 Coliseum Blvd. (36110-2059)
   P.O. Box 301463
   Montgomery, AL 36130-1463
   Office Hours: ……..……..…… (334)271-7700
   After Hours: ……..……..…….. 1-800-843-0699

   Others to contact, if necessary:

4. Fire and Police Departments……..911
   Pleasant Grove Fire Department.……..…911

5. Spill Response of Record: Action Resources ……..… (256)352-2689
6. State Emergency Response Commission
   Alabama Department of Environmental Management
   Field Operation Division
   P.O. Box 301463
   Montgomery, Alabama 36130-1463 ……..1-800-843-0699

7. Alabama Department of Public Safety
   State Trooper Office
   908 Bankhead Highway
   Birmingham, Alabama 35204 ……..…….. (205)322-4691

The regulations in Part 110 establish the criteria for determining whether an oil spill may be harmful to public health or welfare or the environment, thereby triggering the reporting requirements. Oil discharges deemed to be harmful include:

- Discharges that cause a sheen or discoloration on the surface of a body of water;
- Discharges that violate applicable water quality standards; and
- Discharges that cause a sludge or emulsion to be deposited beneath the surface of the water or on adjoining shorelines.

4.3.4 Discharge Reporting Information [40 CFR 112.7(a) (4)]

4.3.4.1 Petroleum Product Spill

In the event of a reportable spill, the following information should be supplied to EPA and ADEM. A blank reporting form and an in-house spill information form are provided in **Appendix A**.

- Exact facility address and phone number
- Date and time of spill
- Type of material spilled (for example: diesel fuel)
- Estimated quantity spilled
- Estimated quantity entering navigable waters (not plant drainage)
- Source of spill
- Description of affected area (for example: spill covered dirt area 80 feet long by 20 feet wide and 20 feet of concrete drainage channel)
- Cause of the spill
- Injuries or damages
- Corrective actions taken
- State whether evacuation is needed
- Names of other parties contacted
- Names of other parties to be contacted

If the facility discharges more than 1,000 gallons of oil into or upon the navigable waters of the United States, or has discharged more than 42 gallons in each of two spill events within any 12 month period, the facility must submit to EPA Region IV and ADEM within 60 days of the trigger event the following information:

- Name of the facility
- Name(s) of the owner or operator of the facility

- Location of the facility
- Maximum storage or handling capacity of the facility and normal daily throughput
- Description of the facility, including maps, flow diagrams, and topographical maps
- The cause(s) of the triggering spill event, including a failure analysis of the system or subsystem in which the failure occurred
- The corrective actions taken, including an adequate description of equipment repairs and/or replacements
- Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and
- Other information as may be requested by EPA pertinent to the facility's SPCC plan or the spill event

4.3.4.2 CERCLA Spills (Not Applicable)

In addition, under SARA Title III (Community Right-to-Know Act) Section 304, SARA facilities that have a reportable spill of listed materials must immediately notify the National Response Center, state agencies, and local emergency planning commissions. Notify any others as necessary. The initial notifications for reportable spills can be by telephone (numbers listed above) and should include:

1. Chemical name or identity of the chemical or substance released;
2. Indicate whether the substance is on SARA list [Section 302(a)(2)] or on CERCLA list [Section 101];
3. An estimate of the quantity of substance released;
4. Time and duration of the release;
5. Specific location of the spill;
6. The medium or media into which the release occurred (air, water, land);
7. Any known or anticipated acute or chronic health problems, and where applicable, advice regarding medical attention necessary for exposed individuals;
8. Proper precautions to be taken as a result of the release, such as evacuation; and
9. Name and telephone number(s) for the person(s) to be contacted for additional information.

4.3.5 Emergency Procedures [40 CFR 112.7(a)(5)]

This section outlines initial response actions for a spill or release at the facility. It does not detail the necessary actions for remediation of a major release but provides guidance for minimizing potential

damage. The intent of this plan is to provide appropriate guidance for response to spills of petroleum products and hazardous substances. However, this plan may not address all compliance issues for spills covered by regulations mandated by laws other than the Clean Water Act (for example, RCRA, CERCLA, or State requirements). These guidelines should be followed to the extent possible and practical.

General guidelines for spill response are outlined in the following numbered items followed by six area-specific response guidelines.

Action Checklist:

1. **IF AT ALL POSSIBLE, STOP THE SOURCE OF THE SPILL IMMEDIATELY.** Close the valve, shut down pumping, or take whatever actions are possible to stop any release. If conditions are hazardous (for example, fire or potential explosion), do not approach. Call the Environmental Coordinator. If unavailable, call one of the alternates listed below. The Environmental Coordinator (or alternate) will designate the appropriate personnel safety equipment, which must be worn when approaching releases.

   EMERGENCY COORDINATOR

   Burke Wakefield, Owner
   244 McGregor Drive
   Sylvan Springs, AL 35118
   Work Phone: (205) 593-4990
   Personal Phone: (205) 966-3346

   ALTERNATE EMERGENCY CONTACTS

   Action Resources ……..… (256)352-2689

   If safety is not an issue, call other nearby employees for assistance in stopping the release.

2. When the Environmental Coordinator (or alternate) arrives, all other response actions are to be under his or her direction. The Environmental Coordinator (or alternate) should then determine the necessary response actions including whether evacuation of parts or all of the plant is necessary for employee safety. In general, the Environmental Coordinator (or alternate) will be required to direct the containment of the release and decide on alternative source control if the source of the release was not controlled by the person(s) discovering it. The release should be confined to the smallest area possible. Use booms or sandbags, dig small trenches, or place absorbent pads to stop the spread. If necessary, wood chips, fiberglass mates, sawdust, or scrap paper may be used as a last resort. **Take immediate action to prevent the spill from reaching off-site or surface waters.** Place booms or pads, dig a diversion ditch, or use soil to form a berm.

If the release reaches water, attempt to place booms to contain the release or, if necessary, block drainage downstream of spill to prevent further discharge.

Spill reporting information is detailed in Section 4.3.

4.4 Potential Spill Predictions, Volumes, Rates and Control (40 CFR 112.7(b)]

Potential spill information is detailed in section 4.3.3.1 and 4.5 of this plan.

4.5 Discharge Prevention Procedure [40 CFR 112.7(c)]

4.5.1 Area A – Fueling Area

Containment structures are detailed within Table 1 of this SPCC Plan.

4.6 Containment Not Practical [40 CFR 112.7(d)]

This facility is in complete conformance with all applicable requirements of 40 CFR 112.

4.7 Inspection, Test and Records [40 CFR 112.7(e)]

Monthly inspections of secondary containment areas and general housekeeping procedures are scheduled at the facility. Inspections are also conducted prior to draining storm water from secondary containment areas. Written logs of these inspections are kept on file at the Environmental Coordinator's office. Sample inspection logs are contained in **Appendix A**. Sample records of oil transfer, drainage, and oil removal, along with recommended spill clean up equipment are located in **Appendix A.**

4.8 Personnel Training and Discharge Prevention Procedures [40 CFR 112.7(f)]

4.8.1 Personnel Training [40 CFR 112.7(f)(1)]

Each employee is responsible for recognizing the potential for an occurrence of any spill and for calling this to the attention of appropriate personnel. The training of oil-handling employees will address the following topics:

- The operation and maintenance of equipment to prevent discharges;
- Discharge procedure protocols (including spill communication procedures);
- Applicable pollution control laws, rules and regulations
- General facility operations; and
- The contents of the SPCC Plan

Personnel receiving annual training at the facility include maintenance and operational personnel that are involved in activities involving oil storage, operating equipment using oil, oil transfer operations, and emergency response/spill coordination. Training certification forms are included in **Appendix A**.

4.8.2 Designated Person Accountable for Discharge Prevention [40 CFR 112.7(f)(2)]

Burke Wakefield is the designated person accountable for spill prevention at the facility and reports to facility ownership. His contact telephone number is listed in prior sections of this report:

4.8.3 Discharge Prevention Briefings [40 CFR 112.7(f)(3)]

At a minimum, discharge prevention briefings will be conducted with oil-handling employees on an annual basis to assure adequate understanding of the SPCC Plan for the facility. In addition to the topics described above, these briefings will also highlight the following:

- Known discharges of oil to the waters of the state (or U.S.) and failures in preventing such discharges
- The contribution of any malfunctioning operational equipment or spill prevention equipment to the discharges described above
- The remedies, controls or precautionary measures recently developed to prevent and/or control similar discharges in the future

Records of the training briefings will be maintained for a period of three years and will include a short description of the topics covered, and employee sign-in sheets. A copy of these records will be kept in the environmental files so that they are immediately accessible to the Plan.

4.9 Security

4.9.1 Facility Fencing [40 CFR 112.7(g)(1)]

Entrance to the facility, on which Southern Red Rock operates, is locked and gated during non-operational hours. Pump controls are limited to access via authorized personnel.

4.9.2 Security of Containment Drain Valves [40 CFR 112.7(g)(2)]

Containment areas at the facility are not equipped with drain valves. Any collected material or material leaving any containment area should be immediately reported to the Environmental Coordinator.

4.9.3 Locking of Oil Pump Starter Controls [40 CFR 112.7 (g)(3)]

All pump starter controls remain locked and in the closed position when in non-operating or non-standby status. The double wall tank on-site has master controls to disable pumps in case of an emergency.

4.9.4 Security of Loading/Unloading Connections [40 CFR 112.7(g)(4)]

Securely cap or blank-flange the loading/unloading connections of oil pipelines and facility piping that are not in use for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or pressure. Any uncapped connections that are not attended should be reported to the Environmental Coordinator.

4.9.5 Facility Lighting [40 CFR 112.7(g) (5)]

Adequate lighting is provided in the vicinity of all petroleum storage tanks to allow for detection of leaks during hours of darkness. Inadequate or non-functioning lighting should be reported to the Environmental Coordinator.

4.10 Facility Loading/Unloading Racks [40 CFR 112.7(h)]

The facility does not have a loading/unloading rack. Equivalent environmental protection is provided by careful observation during loading/unloading operations, maintenance of ample supplies of spill absorbent materials at loading/unloading areas and barriers to protect direct discharge to waters of the state. Any spills would be detected and cleaned immediately.

4.10.1 Containment for Loading/Unloading Racks [40 CFR 112.7(h) (1)]

The facility does not have a loading/unloading rack.

4.10.2 Warning Systems [40 CFR 112.7(h) (2)]

All incoming and outgoing petroleum or petroleum byproduct shipments are made by tank truck. All drivers comply with DOT regulations in 40 CFR Part 177, Subpart B and facility contractor rules. Tank trucks remain running during delivery as their pumps are used to pump product into the storage tanks. The vehicle hand brake is set, and wheel chocks are utilized to prevent vehicular departure prior to complete disconnection of transfer lines. Tanks are properly grounded and bonded and smoking is not permitted in the area at any time. Typically, tanks are only filled to 85% of their capacity. Although inventories are monitored so that the tanks will always be able to accept the largest shipment, the unloading driver verifies product level before each delivery to prevent tank overfill.

4.10.3 Vehicle Inspection Procedures [40 CFR 112.7(h)(3)]

The truck driver will examine vehicle drain and outlets on tank trucks prior to departure. Rail tank cars are not used for oil at this facility.

4.11 Brittle Facture Evaluation of Field-Erected Containers [40 CFR 112.7(i)]

Not applicable.

4.12 Conformance with State Requirements [40 CFR 112.7(j)]

There are no other state prevention standards that are required to be followed, including other prevention and containment procedures listed in this part or any applicable State of Alabama or local rules, regulations or guidelines.

SECTION 5.0
SPCC PLAN REQUIREMENTS FOR ONSHORE FACILITY [40 CFR 112.8]

5.1 Meeting General Requirements of CFR 112.7 [40 CFR 112.8(a)]

General requirements of Section 112.7 have been addressed in Section 4 of the Plan. Discharge prevention and containment procedures are addressed in this section.

5.2 SPCC Plan Requirements for Onshore Facilities [40 CFR 112.8(b)]

5.2.1 Diked Storage Area Drainage [40 CFR 112.8(b)(1)]

Containment areas at the facility are not equipped with drain valves. Collected material within containment areas will be manually removed. Records of release of the contents of secondary containment areas are maintained at the site office. Any collected material or material leaving any containment area should be immediately reported to the Environmental Coordinator.

5.2.2 Valve Design for Diked Area Drainage [40 CFR 112.8(b)(2)]

Primary containment areas at the facility are not equipped with drain valves. The containment curb associated with the tanker fill area will maintain a valved design with the valve to be closed during fuel transfers. The valve will remain open at all other times.

5.2.3 Drainage from Undiked Areas [40 CFR 112.8(b) (3)]

Petroleum containing areas are designed to hold 110% of the largest container within the containment area. Petroleum products should not encounter undiked areas.

5.2.4 Alternate Drainage Systems [40 CFR 112.8(b) (4)]

Spills from tanks, containers and hydraulic units are contained or collected on absorbent material. Procedures are in place to minimize the risk of releasing petroleum contaminated water.

5.2.5 Safeguards for Human Error and Equipment Failure [40 CFR 112.8(b) (5)]

Storm water and potential spills do not encounter equipment prior to discharge that could fail and cause a release to the environment. However, human error is always a concern. Adequate absorbent material is available to contain and absorb any spill.

5.3 Bulk Storage Containers [40 CFR 112.8(c)]

5.3.1 Container Materials and Construction Compatibility [40 CFR 112.8(c)(1)]

All ASTs are constructed of mild steel and are compatible with its contents. The tanks were primed and painted upon installation. All tanks are at atmospheric pressure and were designed for the temperature ranges normally encountered in Alabama.

A listing of major oil tanks, and other oil contained in drums and totes, is shown in Table 1.

5.3.2 Containment [40 CFR 112.8(c)(2)]

All secondary containment systems which contain petroleum products are designed to hold at least 110% of the tanks contents. If tank sizes or containment areas are modified, then the Environmental Coordinator should be contacted immediately. The double wall tank on-site meets this requirement.

The containment sizes are shown in Table 1.

5.3.3 Drainage Procedures from Diked Areas [40 CFR 112.8(c) (3)]

5.3.3.1 Drain Valves [40 CFR 112.8(c)(3)(i)]

Tank containment areas at the facility are not equipped with drain valves. Collected material within containment areas will be manually removed. Records of release of the contents of secondary containment areas are maintained at the site office. Any collected material or material leaving any containment area should be immediately reported to the Environmental Coordinator.

The tanker fill area does maintain a drain valve/dike. Records of any accumulation of stormwater or fuel products will be maintained along with disposal information as necessary. The drains will be closed during fuel transfer operations and opened at all other times.

5.3.3.2 Inspection of Accumulated Storm Water [40 CFR 112.8(c) (3) (ii)]

Accumulated stormwater or spilled material will be inspected for the presence of sheen before being released or removed, and records of the inspection will be kept with the Environmental Coordinator. Records of release of the contents of secondary containment areas are maintained at the site office.

5.3.3.3 Supervised Drainage [40 CFR 112.8(c)(3)(iii)]

Accumulated stormwater will be inspected for the presence of sheen before being released, and records of the inspection will be kept in with the Environmental Coordinator. Records of release of the contents of secondary containment areas are maintained at the site office. The drainage of the petroleum-free storm water will be supervised by an employee who has been trained on the SPCC plan and familiar with proper techniques associated with this procedure.

5.3.3.4 Drainage Records [40 CFR 112.8(c) (3) (IV)]

In the event that petroleum-free storm water is released from the containment area, a record will be kept on file documenting the approximate amount of storm water released from the containment.

5.3.4 Corrosion Protection of USTs [40 CFR 112.8(c) (4)]

There are no USTs on-site. Not applicable.

5.3.5 Corrosion Protection of Partially Buried Tanks [40 CFR 112.8(c) (5)]

There are no partially buried tanks at this facility. Not applicable.

5.3.6 Integrity Testing of Aboveground Containers [40 CFR 112.8(c) (6)]

Inspections are conducted monthly to examine the exterior of all tanks, supports and foundations, the containment areas, and outside containment structures. In addition, the tank will be visually inspected at the time of any repair. The requirement to provide integrity testing is met with equivalent environmental protection by the ability to visually survey the exterior surfaces of all petroleum storage vessels on site. Routine inspection of containment areas and storage areas will allow for rapid awareness of potential spills or leaks.

5.3.7 Tank Internal Heating Coils [40 CFR 112.8(c)(7)]

This facility does not have any tanks that have internal heating coils. Not applicable.

5.3.8 Fail-Safe Overfill and Liquid Level Devices [40 CFR 112.8(c) (8)]

Petroleum product transfers are attended continuously by plant and delivery personnel. Direct audible communication between the container gauger and the pump operator are maintained continuously during product loading operations.

5.3.9 Effluent Treatment System Inspections [40 CFR 112.8(c) (9)]

Not Applicable.

5.3.10 Correction of Visible Discharges and Removal of Oil Accumulation from Diked Area [40 CFR 112.8(c)(10)]

Any accumulation of petroleum within secondary containment areas is to be immediately cleaned up using adsorbent pads, booms, or other removal methods. Any and all defective equipment or leaks are to be immediately reported to the Environmental Coordinator.

5.3.11 Mobile/Potable Containers Siting and Containment [40 CFR 112.8(c)(11)]

Minimal amounts of lubricating, motor, and hydraulic oils are maintained in the site structure and may be at various locations on-site. All petroleum containers are stored in such a manner as to reduce the likelihood of release to the environment.

5.4 Facility Transfer Operations, Pumping and Facility Process [40 CFR 112.8(d)]

5.4.1 Corrosion Provisions for Buried Piping [40 CFR 112.8(d)(1)]

There is no buried piping on-site. Not applicable.

5.4.2 Security of Transfer Connections [40 CFR 112.8(d)(2)]

Pipe connections are equipped with a cap when not in use.

5.4.3 Pipe Support Design [40 CFR 112.8(d)(3)]

Pipe supports at the facility are inspected periodically to confirm structural integrity. Corrosion, abrasion, or structural defects observed in any petroleum product piping should be immediately reported to the Environmental Coordinator.

5.4.4 Inspections of Aboveground Valves, Piping and Appurtenances [40 CFR 112.8(d)(4)]

Valves and piping at the facility are inspected periodically to confirm structural integrity. General condition of items such as flange joints, expansion joints, valve glands, catch pans, pipeline supports, locking valves, and metal surfaces should be assessed. Structural defects observed in any petroleum product piping of valves should be immediately reported to the Environmental Coordinator.

5.4.5 Warning Practices for Vehicles [40 CFR 112.8(d)(5)]

All vehicles entering the facility are warned to be aware of aboveground piping. Any damage to aboveground piping should be immediately reported to the Environmental Coordinator

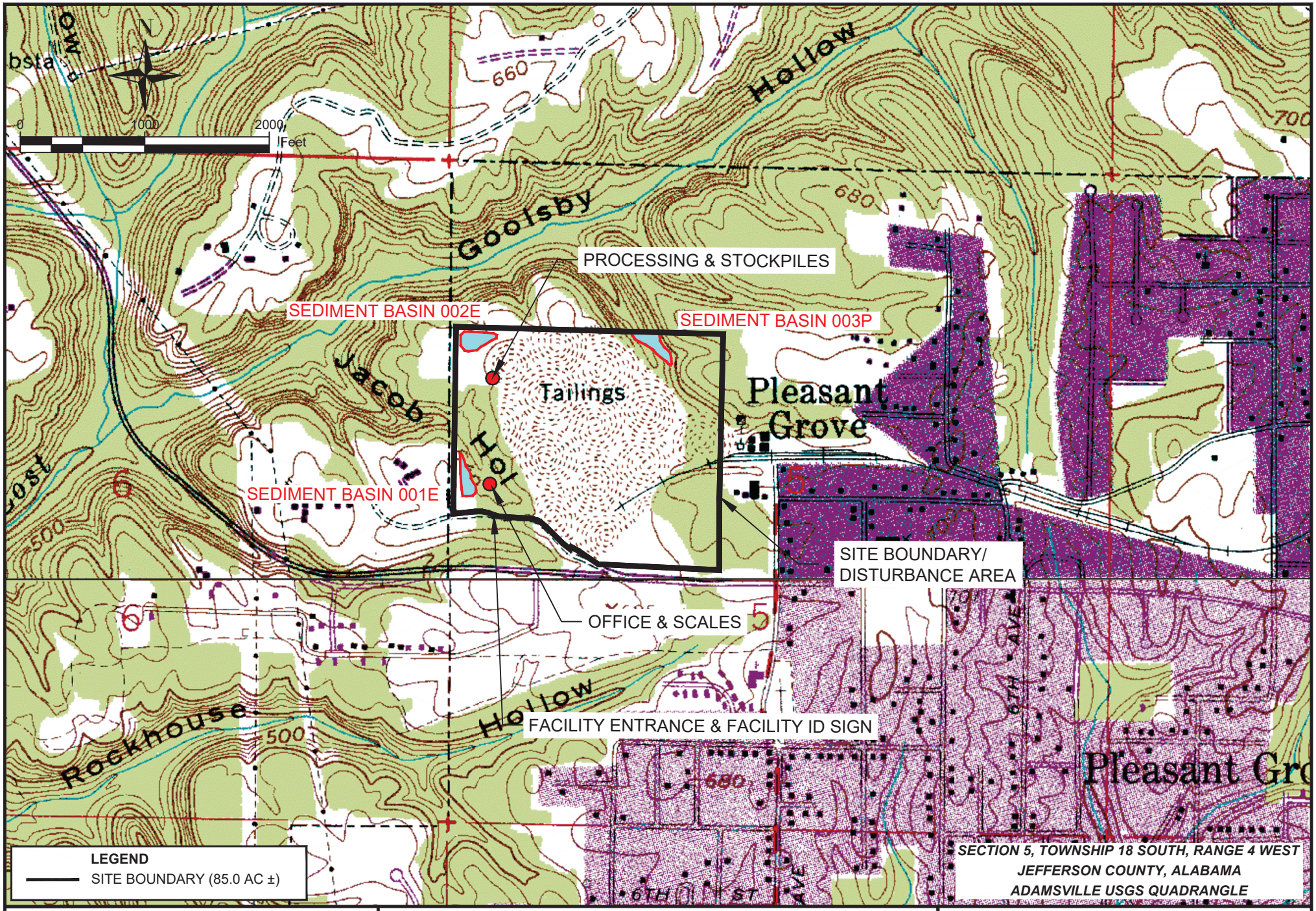
SECTION 6.0
NON-APPLICABLE SECTIONS

The following sections of the SPCC regulations are **NOT APPLICABLE** to this facility.

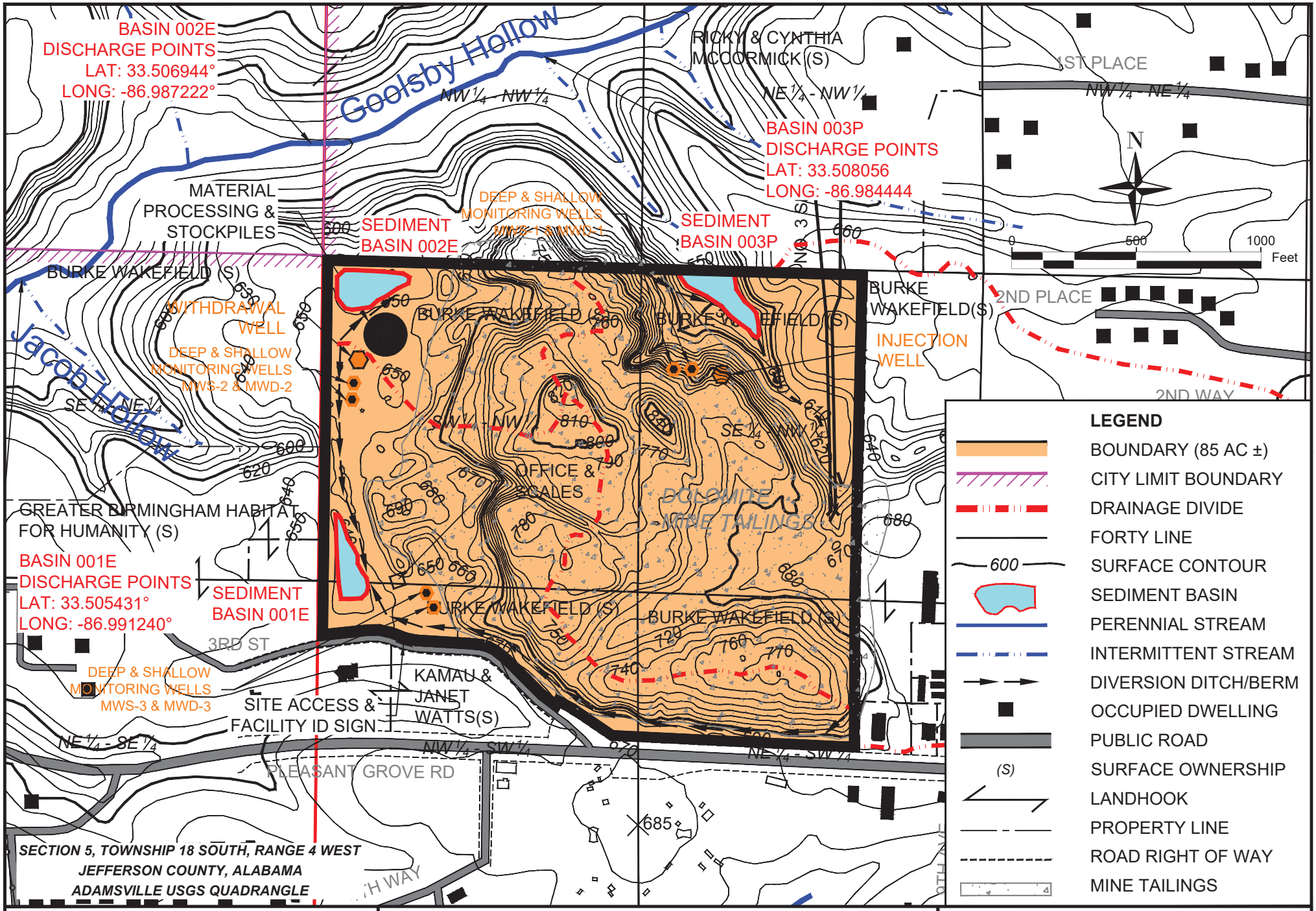
Rule Citation	**Title**
112.7(c)(2)	Spill Prevention Systems – Offshore
112.7(h)	Loading/Unloading Racks
112.7(i)	Evaluation of Tanks for Brittle Fracture
112.8(c)(4)	Protection of USTs
112.8(c)(5)	Protection of Partially Buried Tanks
112.8(c)(7)	Tank Internal Heating Coils
112.8(c)(9)	Effluent Treatment System Inspections
112.8(d)(1)	Provisions for Buried Piping
112.9	Requirements for Onshore Oil Production Facilities
112.10	Onshore Oil Drilling and Workover Facilities
112.11	Offshore Oil Drilling, Production or Workover Facilities
Subpart C	Requirements for Animal Fats and Vegetable Oils
112.12	Onshore Facilities
112.13	Onshore Oil Production Facilities
112.14	Onshore Oil Drilling and Workover Facilities
112.15	Offshore Oil Drilling, Production or Workover Facilities
112.20	Facility Response Plans (see **Appendix A**)
112.21	Facility Response Training and Drills/Exercises

Note: A copy of the Oil Pollution Prevention Regulations (40 CFR 112) is included as Appendix A.

Figures

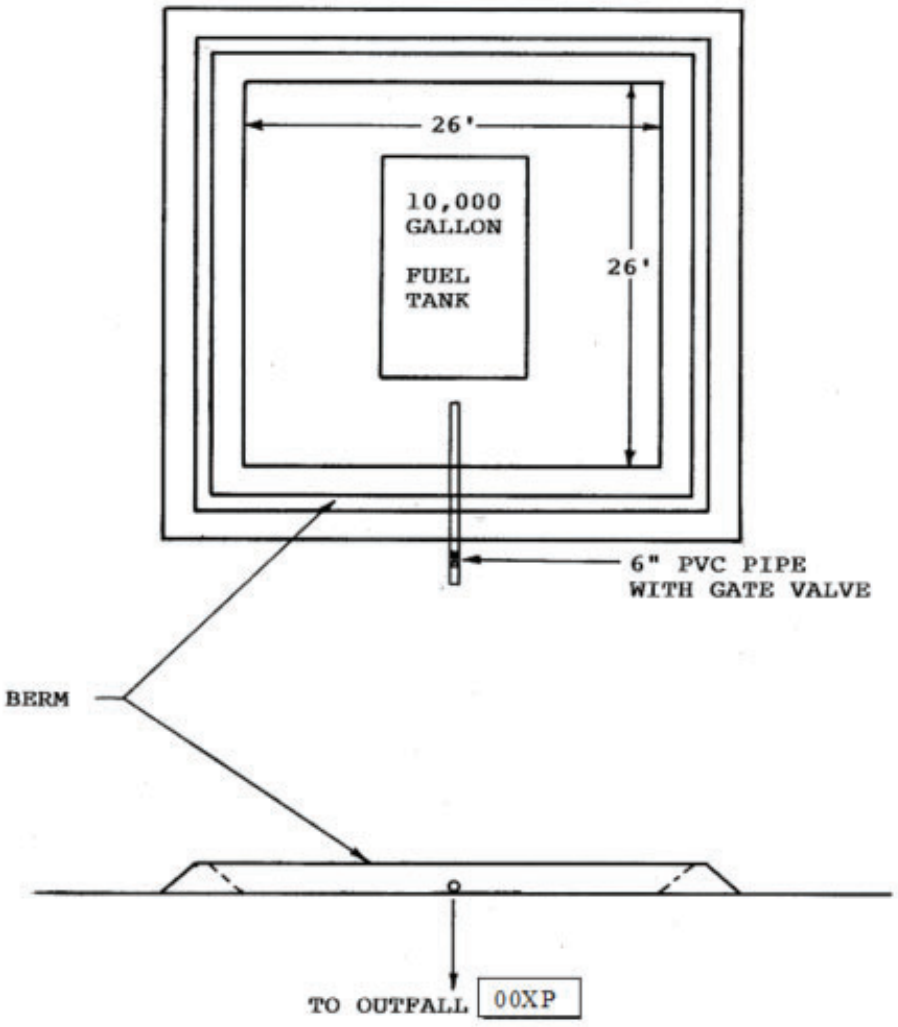


ADEM NDPES PERMIT AL0059684	**TOPOGRAPHIC MAP**	SCALE: 1" = 1,000'
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	**INDUSTRIAL CARBON PRODUCTS, LLC** SOUTHERN RED ROCK - PLEASANT GROVE, AL SITE	DATE: 04/10/2025 DRAWN BY: CCC



ADEM NDPES PERMIT AL0059684	**DETAILED FACILITY MAP**	SCALE: 1" = 500'
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	**INDUSTRIAL CARBON PRODUCTS, LLC** SOUTHERN RED ROCK - PLEASANT GROVE, AL	DATE: 04/10/2025 DRAWN BY: CCC

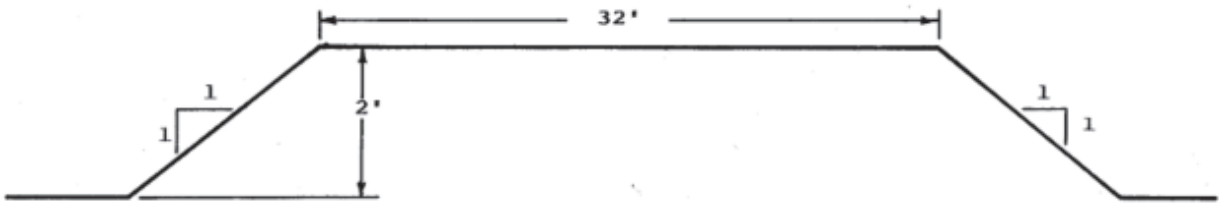
TYPICAL BERM DETAIL



SCALE: 1" = 10

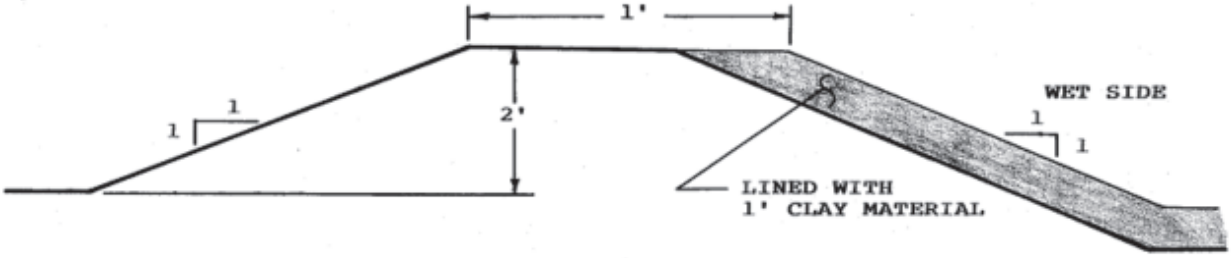
BERM DESIGN
TYPICAL SECTIONS

FRONT VIEW



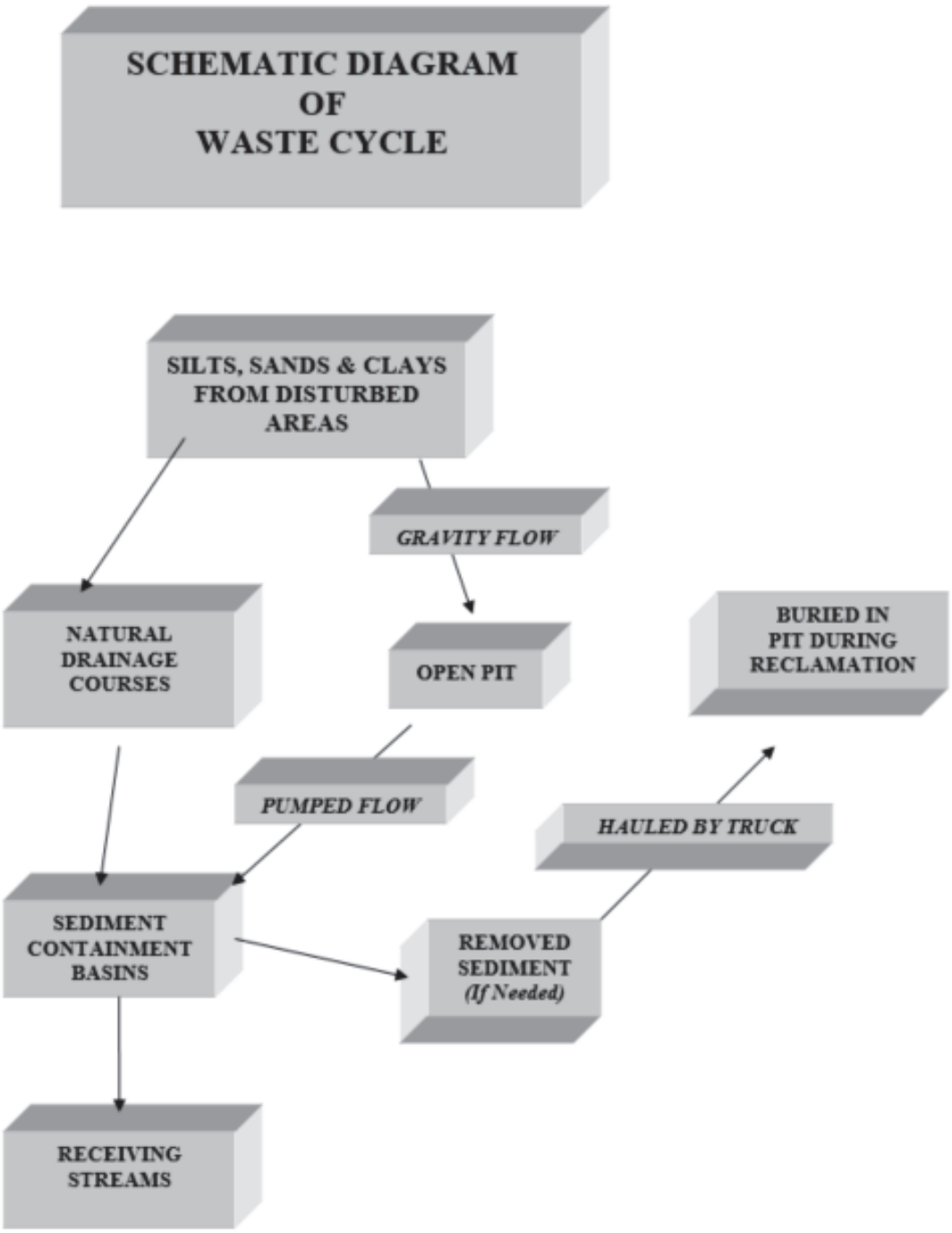
Berm to be lined with 12 inches of clay material with a permeability of 1 x 10-6 cm/sec or less. Interior to be lined with impermeable plastic liner beneath clay liner.

SIDE VIEW



NOT TO SCALE

NOTE: Containment berm to be lined with a clay material with a permeability of 1 x 10^{-6} cm/sec or less.


SCHEMATIC DIAGRAM
OF
WASTE CYCLE
SILTS, SANDS & CLAYS FROM DISTURBED AREAS
GRAVITY FLOW
NATURAL DRAINAGE COURSES
OPEN PIT
BURIED IN PIT DURING RECLAMATION
PUMPED FLOW
HAULED BY TRUCK
SEDIMENT CONTAINMENT BASINS
REMOVED SEDIMENT (If Needed)
RECEIVING STREAMS

Appendix A

SPILL REPORTING FORM

Facility Name: Southern Red Rock
Pleasant Grove, Alabama 35127

Date of Report: _____

Person Filing Report: _____

Time of Report: _____

What was spilled: _____

Amount of spill: _____

Cause of spill: _____

Maximum Capacity of Petroleum Products at Facility:
_____

Normal Daily Usage of Petroleum Products: _____

Was the National Response Center (NRC) and the appropriate State authorities contacted:

_____ Yes _____ No

If yes, give the time and the name(s) of the people contacted:

_____
_____
_____

List the names of the EPA or ADEM personnel who inspected the clean-up:
_____
_____
_____

List the methods of clean-up or disposal approved or recommended by them:

_____
_____
_____
_____

Reported by: _____

Emergency Coordinator's Signature: _____

Date: _____

SPILL INFORMATION FORM

Exact Facility Address and Telephone Number: Industrial Carbon Products, LLC
1080 3rd Street
Pleasant Grove, Alabama 35127 (205) 593-4990

Spill Date and Time ___ _____

Type of Material Spilled (for example: diesel fuel, oil) _____
_____
_____

Estimated Quantity Spilled: _____
_____

Estimated Quantity Entering Navigable Waters (not plant discharge) _____
_____

Source of Spill: _____
_____

Description of Affected Area (for example: spill covered dirt area 80 feet long by 20 feed wide)
_____
_____

Cause of Spill: _____
_____

Injuries or Damages: _____
_____

Corrective Actions Taken: _____
_____
_____

Evacuation Needed: _____
_____

Names of Other Parties Contacted: _____
_____

Names of Other Parties to be Contacted: _____
_____

SPILL PREVENTION CONTROL AND COUNTERMEASURE
COMPLIANCE INSPECTION PLAN
REVIEW PAGE

In accordance with 40 CFR §112.5(b), a review and evaluation of this SPCC Plan is conducted at least once every five years. As a result of this review and evaluation, Southern Red Rock will amend the SPCC Plan within six months of the review to include more effective prevention and control technology. Any amendments to the SPCC Plan shall be certified by a Professional Engineer within six months after a change in the facility design, construction, operation, or maintenance occurs which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines.

Review Dates	**Signature**
1.	_____
2.	_____
3.	_____

Management Approval

Southern Red Rock, LLC is committed to the prevention of discharges of oil to navigable waters and the environment and maintains the highest standards for spill prevention control and countermeasures through regular review, updating and implementation of this Spill Prevention Control and Countermeasure Plan for the Birmingham, Alabama facility.

Authorized Facility Representative: _____

Signature: _____

Title: _____

Facility Inspection Report and Checklist

Date: _____ Time: _____ Inspector: _____	X = Satisfactory NA = Not Applicable O = Repair or Adjustment Required C = See Comment Under Remarks/Recommendations

Drainage

___ Any noticeable oil sheen or runoff
___ Containment area drainage valves are closed and locked.
N/A Oil/water separator systems working Properly.
N/A Effluent from oil/water separator Inspected.
___ No visible oil sheen in containment area.
___ No standing water in containment area.

ASTs

___ Tank surfaces checked for signs of leakage
___ Tank condition good (no rusting, corrosion, pitting)
___ Bolts, rivets, or seams are not damaged.
___ Tank foundation intact.
___ Level gauges and alarms working properly.
N/A Vents are not obstructed.
N/A Valves, flanges, and gaskets are free from leaks.
N/A Containment walls are intact.

Pipelines

___ No signs of corrosion damage to pipelines or supports.
N/A Buried pipelines are not exposed
N/A Out-of-service pipes capped
N/A Signs/barriers to protect pipelines from vehicles are in place
___ No leaks at valves, flanges, or other fittings

Truck Loading/Unloading Area

N/A No standing water in rack area
___ Warning signs posted
___ No leaks in hoses
N/A Drip pans not overflowing
N/A Catch basins free of contamination
___ Containment curbing or trenches intact

Security

___ Fence and gates intact
___ Gates have locks
___ ASTs locked when not in use
___ Starter controls for pumps locked when not in use
___ Lighting is working properly

Training

___ Spill prevention briefing held
___ Training records are in order

Remarks/Recommendations: _____

Record of Oil Transfer

Truck Drivers Responsibilities:

1. Stay with truck, within reach of transfer shutoff valve at all times while transferring product.
2. Verify with Plant Personnel which tank and fill point should be used for product transfer.
3. Cleanup all transfer related releases of products, including releases from connection and disconnecting product transfer lines.
4. Meet with Plant Personnel after completing transfer to sign off on this *Record of Oil Transfer.*

Date: _____

Time: _____

Product Off-loaded: _____

Truck Driver's Name: _____

Plant Representative's Name: _____

Was any product dripped or spilled during transfer?
____Yes ____ No

Driver's Comments: _____
_____
_____

Plant Representative's Comments: _____
_____
_____

Driver's Signature: _____

Plant Representative's Signature: _____

Record of Drainage, Inspection, and Oil Removal from Secondary Containment

Date: _____

Storage Location: _____

Contents of Vessel: _____

Whenever discharging storm water that has collected in the bulk petroleum storage tank containment area, an inspector must complete the following form.

I. INSPECTION OF CONTAINMENT
Is there any indication that the collected storm water would:

A. Violate applicable water quality standards? ___Yes ___No

B. Cause a film, sheen, or discoloration? ___Yes ___No

II. DRAINAGE OF CONTAINMENT
If the answer to either questions above was yes, describve te disposal method of the collected liquid.

_____
_____
_____
_____
_____

If the answer to both questions was no, then record the following:

A. Valve opening date: _____ Time: _____

B. Valve closed and locked date: _____ Time: _____

_____
Signature of Inspector

Recommended Spill Clean-up Equipment

1. Shovels, rakes, and other hand tools stored in close proximity to oil storage facilities.
2. Oil booms and socks.
3. Oil absorbent pads (2-bales).
4. Oil-dry (1-pallet).
5. Access to earth moving equipment either on-site or by local contractors on a 24-hour basis.

SPCC Plan Training Attendee List

SPCC Training Certification Form

This is to acknowledge that I have reviewed the June 2011 version of the Spill Prevention Control and Countermeasure Plan for the Southern Red Rock facility and have been trained in its use and am familiar with its contents.

I understand that I am personally responsible for my actions and will be held accountable. Negligent acts on my part may be grounds for dismissal, government fines, or possible imprisonment.

_____
Name (please print)

_____
Signature

_____
Date

Certification of the Applicability of the Substantial Harm Criteria Checklist

Section 112.20(e) of the facility response plan regulation requires that all facilities regulated by the Oil Petroleum Prevention Regulation (40 CFR Part 112) conduct an initial screening to determine whether they are required to develop a facility response plan. The criteria in this checklist can be found in 40 CFR 112.20(f)(1). Facilities should include this form with their SPCC Plan.

Certification of the Applicability of the Substantial Harm Criteria Checklist

Facility Name: _Southern Red Rock._____
Facility Address: _1080 3rd Street _____
_Pleasant Grove, Alabama 35127_____

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?
   Yes ___ No _x__

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?
   Yes ___ No _x__

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the formula in Attachment C-III, Appendix C, 40 CFR 112 or a comparable formula(1) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II and III to DOC/NQAA's "Guidelines for Facility and Vessel Response Environments" (Section 10, Appendix E, 40 CFR 112 for availability) and the applicable Area Contingency Plan.
   Yes ___ No _x__

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula (Attachment C-III, Appendix C, 40 CFR 112 or a comparable formula[1]) such that a discharge from the facility would shut down a public drinking water intake(2)?
   Yes ___ No _x__

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years?
   Yes ___ No _x__

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

_____
_____
Name (please type or print) Signature Date

112 of the Code of Federal Regulations, is amended as follows:

PART 112—OIL POLLUTION PREVENTION

1. The authority for part 112 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*; 33 U.S.C 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

2. Part 112 is amended by designating §§ 112.1 through 112.7 as subpart A, adding a subpart heading and revising newly designated subpart A to read as follows:

Subpart A—Applicability, Definitions, and General Requirements For All Facilities and All Types of Oils

Sec.

Subpart A—Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils

§ 112.1 General applicability.

(a)(1) This part establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

(2) As used in this part, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

(b) Except as provided in paragraph (d) of this section, this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) that has oil in:

(1) Any aboveground container;

(2) Any completely buried tank as defined in § 112.2;

(3) Any container that is used for standby storage, for seasonal storage, or for temporary storage, or not otherwise "permanently closed" as defined in § 112.2;

(4) Any "bunkered tank" or "partially buried tank" as defined in § 112.2, or any container in a vault, each of which is considered an aboveground storage container for purposes of this part.

(c) As provided in section 313 of the Clean Water Act (CWA), departments, agencies, and instrumentalities of the Federal government are subject to this part to the same extent as any person.

(d) Except as provided in paragraph (f) of this section, this part does not apply to:

(1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:

(i) Any onshore or offshore facility, that due to its location, could not reasonably be expected to have a discharge as described in paragraph (b) of this section. This determination must be based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines, land contour, drainage, etc.) and must exclude consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge as described in paragraph (b) of this section.

(ii) Any equipment, or operation of a vessel or transportation-related onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 (Appendix A of this part).

(iii) Any equipment, or operation of a vessel or onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation or the U.S. Department of the Interior, as defined in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(2) Any facility which, although otherwise subject to the jurisdiction of EPA, meets both of the following requirements:

(i) The completely buried storage capacity of the facility is 42,000 gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in § 112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter. The completely buried storage capacity of a facility also excludes the capacity of a container that is "permanently closed," as defined in § 112.2.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. For purposes of this exemption, only containers of oil with a capacity of 55 gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes the capacity of a container that is "permanently closed," as defined in § 112.2.

(3) Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(4) Any completely buried storage tank, as defined in § 112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, except that such a tank must be marked on the facility diagram as provided in § 112.7(a)(3), if

the facility is otherwise subject to this part.

(5) Any container with a storage capacity of less than 55 gallons of oil.

(6) Any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any requirement of this part. The production, recovery, or recycling of oil is not wastewater treatment for purposes of this paragraph.

(e) This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State, or local laws.

(f) Notwithstanding paragraph (d) of this section, the Regional Administrator may require that the owner or operator of any facility subject to the jurisdiction of EPA under section 311(j) of the CWA prepare and implement an SPCC Plan, or any applicable part, to carry out the purposes of the CWA.

(1) Following a preliminary determination, the Regional Administrator must provide a written notice to the owner or operator stating the reasons why he must prepare an SPCC Plan, or applicable part. The Regional Administrator must send such notice to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of such notice to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(2) Within 30 days of receipt of such written notice, the owner or operator may provide information and data and may consult with the Agency about the need to prepare an SPCC Plan, or applicable part.

(3) Within 30 days following the time under paragraph (b)(2) of this section within which the owner or operator may provide information and data and consult with the Agency about the need to prepare an SPCC Plan, or applicable part, the Regional Administrator must make a final determination regarding whether the owner or operator is required to prepare and implement an SPCC Plan, or applicable part. The Regional Administrator must send the final determination to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of the final determination to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(4) If the Regional Administrator makes a final determination that an SPCC Plan, or applicable part, is necessary, the owner or operator must prepare the Plan, or applicable part, within six months of that final determination and implement the Plan, or applicable part, as soon as possible, but not later than one year after the Regional Administrator has made a final determination.

(5) The owner or operator may appeal a final determination made by the Regional Administrator requiring preparation and implementation of an SPCC Plan, or applicable part, under this paragraph. The owner or operator must make the appeal to the Administrator of EPA within 30 days of receipt of the final determination under paragraph (b)(3) of this section from the Regional Administrator requiring preparation and/or implementation of an SPCC Plan, or applicable part. The owner or operator must send a complete copy of the appeal to the Regional Administrator at the time he makes the appeal to the Administrator. The appeal must contain a clear and concise statement of the issues and points of fact in the case. In the appeal, the owner or operator may also provide additional information. The additional information may be from any person. The Administrator may request additional information from the owner or operator. The Administrator must render a decision within 60 days of receiving the appeal or additional information submitted by the owner or operator and must serve the owner or operator with the decision made in the appeal in the manner described in paragraph (f)(1) of this section.

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E to this part (as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment is intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Animal fat means a non-petroleum oil, fat, or grease of animal, fish, or marine mammal origin.

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of this part.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means means:

(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or

(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including, but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in § 112.20 or in a specific plan approved by the Regional Administrator.

Navigable waters means the waters of the United States, including the territorial seas.

(1) The term includes:

(i) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;

(ii) All interstate waters, including interstate wetlands;

(iii) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters:

(A) That are or could be used by interstate or foreign travelers for recreational or other purposes; or

(B) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or,

(C) That are or could be used for industrial purposes by industries in interstate commerce;

(iv) All impoundments of waters otherwise defined as waters of the United States under this section;

(v) Tributaries of waters identified in paragraphs (1)(i) through (iv) of this definition;

(vi) The territorial sea; and

(vii) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (1) of this definition.

(2) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds which also meet the criteria of this definition) are not waters of the United States. Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Offshore facility means any facility of any kind (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not

completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Permanently closed means any container or facility for which:

(1) All liquid and sludge has been removed from each container and connecting line; and

(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or partnership.

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

Regional Administrator means the Regional Administrator of the Environmental Protection Agency, in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by § 112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity of a container means the shell capacity of the container.

Transportation-related and non-transportation-related, as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, (Appendix A of this part).

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.

§ 112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.

The owner or operator of an onshore or offshore facility subject to this section must prepare a Spill Prevention, Control, and Countermeasure Plan (hereafter "SPCC Plan" or "Plan)," in writing, and in accordance with § 112.7, and any other applicable section of this part.

(a) If your onshore or offshore facility was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, on or before February 17, 2003, and must implement the amended Plan as soon as possible, but not later than August 18, 2003. If your onshore or offshore facility becomes operational after August 16, 2002, through August 18, 2003, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare a Plan on or before August 18, 2003, and fully implement it as soon as possible, but not later than August 18, 2003.

(b) If you are the owner or operator of an onshore or offshore facility that becomes operational after August 18, 2003, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare and implement a Plan before you begin operations.

(c) If you are the owner or operator of an onshore or offshore mobile facility, such as an onshore drilling or workover rig, barge mounted offshore drilling or workover rig, or portable fueling facility, you must prepare, implement, and maintain a facility Plan as required by this section. This provision does not require that you prepare a new Plan each time you move the facility to a new site. The Plan may be a general plan. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. You may not operate a mobile or portable facility subject to this part unless you have implemented the Plan. The Plan is applicable only while the facility is in a fixed (non-transportation) operating mode.

(d) A licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part.

(1) By means of this certification the Professional Engineer attests:

(i) That he is familiar with the requirements of this part ;

(ii) That he or his agent has visited and examined the facility;

(iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;

(iv) That procedures for required inspections and testing have been established; and

(v) That the Plan is adequate for the facility.

(2) Such certification shall in no way relieve the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.

(e) If you are the owner or operator of a facility for which a Plan is required under this section, you must:

(1) Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended, and

(2) Have the Plan available to the Regional Administrator for on-site review during normal working hours.

(f) *Extension of time.* (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment thereto, beyond the time permitted for the preparation, implementation, or amendment of a

Plan under this part, when he finds that the owner or operator of a facility subject to this section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees.

(2) If you are an owner or operator seeking an extension of time under paragraph (f)(1) of this section, you may submit a written extension request to the Regional Administrator. Your request must include:

(i) A full explanation of the cause for any such delay and the specific aspects of the Plan affected by the delay;

(ii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and

(iii) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures. In addition you may present additional oral or written statements in support of your extension request.

(3) The submission of a written extension request under paragraph (f)(2) of this section does not relieve you of your obligation to comply with the requirements of this part. The Regional Administrator may request a copy of your Plan to evaluate the extension request. When the Regional Administrator authorizes an extension of time for particular equipment or other specific aspects of the Plan, such extension does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan for which the Regional Administrator has not expressly authorized an extension.

§ 112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.

If you are the owner or operator of a facility subject to this part, you must:

(a) Notwithstanding compliance with § 112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in § 112.1(b), or discharged more than 42 U.S. gallons of oil in each of two discharges as described in § 112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject to this section:

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

(4) Maximum storage or handling capacity of the facility and normal daily throughput;

(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;

(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;

(7) The cause of such discharge as described in § 112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;

(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and

(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

(b) Take no action under this section until it applies to your facility. This section does not apply until the expiration of the time permitted for the initial preparation and implementation of the Plan under § 112.3, but not including any amendments to the Plan.

(c) Send to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located a complete copy of all information you provided to the Regional Administrator under paragraph (a) of this section. Upon receipt of the information such State agency or agencies may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment, and other requirements necessary to prevent and to contain discharges from your facility.

(d) Amend your Plan, if after review by the Regional Administrator of the information you submit under paragraph (a) of this section, or submission of information to EPA by the State agency under paragraph (c) of this section, or after on-site review of your Plan, the Regional Administrator requires that you do so. The Regional Administrator may require you to amend your Plan if he finds that it does not meet the requirements of this part or that amendment is necessary to prevent and contain discharges from your facility.

(e) Act in accordance with this paragraph when the Regional Administrator proposes by certified mail or by personal delivery that you amend your SPCC Plan. If the owner or operator is a corporation, he must also notify by mail the registered agent of such corporation, if any and if known, in the State in which the facility is located. The Regional Administrator must specify the terms of such proposed amendment. Within 30 days from receipt of such notice, you may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the Regional Administrator must either notify you of any amendment required or rescind the notice. You must amend your Plan as required within 30 days after such notice, unless the Regional Administrator, for good cause, specifies another effective date. You must implement the amended Plan as soon as possible, but not later than six months after you amend your Plan, unless the Regional Administrator specifies another date.

(f) If you appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan, send the appeal to the EPA Administrator in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment under paragraph (e) of this section. You must send a complete copy of the appeal to the Regional Administrator at the time you make the appeal. The appeal must contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from you, or from any other person. The EPA Administrator may request additional information from you, or from any other person. The EPA Administrator must render a decision within 60 days of receiving the appeal and must notify you of his decision.

§ 112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.

If you are the owner or operator of a facility subject to this part, you must:

(a) Amend the SPCC Plan for your facility in accordance with the general requirements in § 112.7, and with any specific section of this part applicable to your facility, when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge as described in § 112.1(b). Examples of changes that may require amendment of the Plan include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at

a facility. An amendment made under this section must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

(b) Notwithstanding compliance with paragraph (a) of this section, complete a review and evaluation of the SPCC Plan at least once every five years from the date your facility becomes subject to this part; or, if your facility was in operation on or before August 16, 2002, five years from the date your last review was required under this part. As a result of this review and evaluation, you must amend your SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge as described in § 112.1(b) from the facility. You must implement any amendment as soon as possible, but not later than six months following preparation of any amendment. You must document your completion of the review and evaluation, and must sign a statement as to whether you will amend the Plan, either at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result."

(c) Have a Professional Engineer certify any technical amendment to your Plan in accordance with § 112.3(d).

§ 112.6 [Reserved]

§ 112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:

(a)(1) Include a discussion of your facility's conformance with the requirements listed in this part.

(2) Comply with all applicable requirements listed in this part. Your Plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§ 112.8(c)(2),112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11),112.13(c)(2), and 112.14(c), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. Where your Plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§ 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c), you must state the reasons for nonconformance in your Plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your Plan do not provide equivalent environmental protection, he may require that you amend your Plan, following the procedures in § 112.4(d) and (e).

(3) Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each container. The facility diagram must include completely buried tanks that are otherwise exempted from the requirements of this part under § 112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes. You must also address in your Plan:

(i) The type of oil in each container and its storage capacity;

(ii) Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, *etc.*);

(iii) Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;

(iv) Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);

(v) Methods of disposal of recovered materials in accordance with applicable legal requirements; and

(vi) Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate Federal, State, and local agencies who must be contacted in case of a discharge as described in § 112.1(b).

(4) Unless you have submitted a response plan under § 112.20, provide information and procedures in your Plan to enable a person reporting a discharge as described in § 112.1(b) to relate information on the exact address or location and phone number of the facility; the date and time of the discharge, the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged as described in § 112.1(b); the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted.

(5) Unless you have submitted a response plan under § 112.20, organize portions of the Plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency, and include appropriate supporting material as appendices.

(b) Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in § 112.1(b). The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs. At a minimum, you must use one of the following prevention systems or its equivalent:

(1) For onshore facilities:
(i) Dikes, berms, or retaining walls sufficiently impervious to contain oil;
(ii) Curbing;
(iii) Culverting, gutters, or other drainage systems;
(iv) Weirs, booms, or other barriers;
(v) Spill diversion ponds;
(vi) Retention ponds; or
(vii) Sorbent materials.
(2) For offshore facilities:
(i) Curbing or drip pans; or
(ii) Sumps and collection systems.

(d) If you determine that the installation of any of the structures or pieces of equipment listed in paragraphs (c) and (h)(1) of this section, and §§ 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c) to prevent a discharge as described in § 112.1(b) from any onshore or offshore facility is not practicable, you must clearly explain in your Plan why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under § 112.20, provide in your Plan the following:

(1) An oil spill contingency plan following the provisions of part 109 of this chapter.

(2) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

(e) *Inspections, tests, and records.* Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(f) *Personnel, training, and discharge prevention procedures.* (1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan.

(2) Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management.

(3) Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. Such briefings must highlight and describe known discharges as described in § 112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.

(g) *Security (excluding oil production facilities).* (1) Fully fence each facility handling, processing, or storing oil, and lock and/or guard entrance gates when the facility is not in production or is unattended.

(2) Ensure that the master flow and drain valves and any other valves permitting direct outward flow of the container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating or non-standby status.

(3) Lock the starter control on each oil pump in the "off" position and locate it at a site accessible only to authorized personnel when the pump is in a non-operating or non-standby status.

(4) Securely cap or blank-flange the loading/unloading connections of oil pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

(5) Provide facility lighting commensurate with the type and location of the facility that will assist in the:

(i) Discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and

(ii) Prevention of discharges occurring through acts of vandalism.

(h) *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).* (1) Where loading/unloading area drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading and unloading areas. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system in loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

(3) Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit.

(i) If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, evaluate the container for risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action.

(j) In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines.

3. Part 112 is amended adding subpart B consisting of §§ 112.8 through 112.11 to read as follows:

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

Sec.

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

§ 112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, as provided in paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in § 112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage container installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in § 112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§ 122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in § 112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b). You must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as

indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

§ 112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.* (1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in § 112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under § 112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in § 112.8(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overfill if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) *Facility transfer operations, oil production facility.* (1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§ 112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in § 112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§ 112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in § 112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level

sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

4. Part 112 is amended by adding subpart C consisting of §§ 112.12 through 112.15 to read as follows:

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, Including Oils from Seeds, Nuts, Fruits and Kernels

Sec.

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, including Oils from Seeds, Nuts, Fruits, and Kernels.

§ 112.12 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities)

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, subject to the requirements of paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in § 112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage container installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in § 112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§ 122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by

coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in § 112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b). You must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

§ 112.13 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.* (1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in § 112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under § 112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in § 112.12(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overfill if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a

pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) *Facility transfer operations, oil production facility.* (1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§ 112.14 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in § 112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§ 112.15 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in § 112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

5. Part 112 is amended by designating §§ 112.20 and 112.21 as subpart D, and adding a subpart heading as follows:

Subpart D—Response Requirements

Sec.

Subpart D—Response Requirements

6. Section 112.20 is amended by revising the first sentence of paragraph (h) to read as follows:

§ 112.20 Facility response plans.

* * * * *

(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless you have prepared an equivalent response plan acceptable to the Regional Administrator to meet State or other Federal requirements. * * *

* * * * *

Appendix C—[Amended]

7. Appendix C of part 112 is amended by:

a. Revising the first sentence of section 2.1; and

b. Revising the title and first sentence of section 2.4.

Appendix C to Part 112—Substantial Harm Criteria

* * * * *

2.1 Non-Transportation-Related Facilities With a Total Oil Storage Capacity Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil

A non-transportation-related facility with a total oil storage capacity greater than or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA. * * *

* * * * *

2.4 Proximity to Public Drinking Water Intakes at Facilities with a Total Oil Storage Capacity Greater than or Equal to 1 Million Gallons

A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2(c). * * *

* * * * *

Appendix D—[Amended]

8. Appendix D of part 112 is amended by revising footnote 2 to section A.2 of Part A to read as follows:

Appendix D to Part 112—Determination of a Worst Case Discharge Planning Volume

* * * * *

Part A * * *

* * * * *

A.2 Secondary Containment—Multiple-Tank Facilities

* * * * *

Secondary containment is described in 40 CFR part 112, subparts A through C. Acceptable methods and structures for containment are also given in 40 CFR 112.7(c)(1).

* * * * *

Appendix F—[Amended]

9. Appendix F of part 112 is amended by:

a. Revising section 1.2.7;

b. Revising the second and last sentences of section 1.4.3;

c. Revising paragraph (7) and the undesignated paragraph and NOTE following paragraph (7) in section 1.7.3;

d. Revising section 1.8.1;

e. Revising the first two sentences of section 1.8.1.1. introductory text;

f. Revising the next to the last sentence of section 1.8.1.3;

g. Revising the next to last sentence of section 1.10.;

h. Revising paragraph (6) of section 2.1;

i. Remove the acronym "SIC" in section 3.0, and add in alphabetical order the acronym "NAICS'; and.

j. Remove the reference to "Standard Industrial Classification (SIC) Code" in Attachment F–1, General Information, and add in in alphabetical order a reference to "North American Industrial Classification System (NAICS) Code."

The revisions read as follows:

Appendix F to Part 112—Facility-Specific Response Plan

* * * * *

1.2.7 Current Operation

Briefly describe the facility's operations and include the North American Industrial Classification System (NAICS) code.

* * * * *

1.4.3 Analysis of the Potential for an Oil Discharge

* * * This analysis shall incorporate factors such as oil discharge history, horizontal range of a potential discharge, and vulnerability to natural disaster, and shall, as appropriate, incorporate other factors such as tank age. * * * The owner or operator may need to research the age of the tanks the oil discharge history at the facility.

* * * * *

1.7.3 Containment and Drainage Planning

* * * * *

(7) Other cleanup materials.

In addition, a facility owner or operator must meet the inspection and monitoring requirements for drainage contained in 40 CFR part 112, subparts A through C. A copy of the containment and drainage plans that are required in 40 CFR part 112, subparts A through C may be inserted in this section, including any diagrams in those plans.

Note: The general permit for stormwater drainage may contain additional requirements.

* * * * *

1.8.1 Facility Self-Inspection

Under 40 CFR 112.7(e), you must include the written procedures and records of inspections for each facility in the SPCC Plan. You must include the inspection records for each container, secondary containment, and item of response equipment at the facility. You must cross-reference the records of inspections of each container and secondary containment required by 40 CFR 112.7(e) in the facility response plan. The inspection record of response equipment is a new requirement in this plan. Facility self-inspection requires two-steps: (1) a checklist of things to inspect; and (2) a method of recording the actual inspection and its findings. You must note the date of each inspection. You must keep facility response plan records for five years. You must keep SPCC records for three years.

* * * * *

1.8.1.1. Tank Inspection

The tank inspection checklist presented below has been included as guidance during inspections and monitoring. Similar requirements exist in 40 CFR part 112, subparts A through C. * * *

* * * * *

1.8.1.3 Secondary Containment Inspection

* * * * *

* * * Similar requirements exist in 40 CFR part 112, subparts A through C. * * *

* * * * *

1.10 Security

According to 40 CFR 112.7(g) facilities are required to maintain a certain level of security, as appropriate. * * *

* * * * *

2.1 General Information

* * * * *

(6) North American Industrial Classification System (NAICS) Code: Enter the facility's NAICS code as determined by the Office of Management and Budget (this information may be obtained from public library resources.)

* * * * *

3.0 Acronyms

* * * * *

NAICS: North American Industrial Classification System

* * * * *

Attachments to Appendix F

Attachment F–1—Response Plan Cover Sheet

* * * * *

General Information

* * * * *

North American Industrial Classification System (NAICS) Code:

* * * * *

[FR Doc. 02–16852 Filed 7–16–02; 8:45 am]

BILLING CODE 6560–50–P

NOVEMBER 2025

POLLUTION ABATEMENT AND/OR PREVENTION PLAN

Permit No. AL0059684

for

INDUSTRIAL CARBON PRODUCTS, LLC

SOUTHERN RED ROCK

1080 3RD STREET, PLEASANT GROVE, AL 35127

Prepared by

WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC

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11/3/2025

Date

ALABAMA LICENSED No. 34440 PROFESSIONAL ENGINEER ZACHARY WILBANKS

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SECTION 1.0
POLLUTION ABATEMENT PLAN

1.1 PURPOSE

The purpose of this Pollution Abatement and/or prevention plan is to protect, maintain and improve the quality of the waters of the state and to provide for the prevention, abatement and control of new or existing water pollution associated with surface mining operations. It addresses cost effective material management practices which minimizes erosion, minimizes or eliminates exposure of significant materials into stormwater, and to outline planned stormwater pollution control construction designed to improve stormwater quality. Also, a plan for monitoring the pH of sediment basins, and adjusting the pH of sediment basins is included. This plan also addresses employee training or spill prevention, preventative maintenance and spill countermeasures.

SECTION 2.0
GENERAL INFORMATION

2.1 FACILITY LOCATION

Southern Red Rock is located in Section 5, Township 18 South, Range 4 West, in Pleasant Grove, Jefferson County, Alabama as illustrated on the Adamsville U.S.G.S Quadrangle. The facility is located at latitude 33.501507, -86.986210, at the location indicated in Figure 1. The facility has two (2) existing discharge points designated as outfall 001E and 002E and one (1) proposed discharge point designated as outfall 003P, also shown on Figure 1. An aerial photograph of these outfalls is shown as Figure 2. These outfalls discharge to an unnamed tributary of Lost Creek (a.k.a. Goolsby Hollow Creek).

SECTION 3.0
SITE INDUSTRIAL ACTIVITIES

3.1 DESCRIPTION OF FACILITY ACTIVITIES

The Southern Red Rock facility is in accordance with all Oil Pollution Prevention Rules and Regulations listed in part 112 of 40 CFR. Industrial Carbon Products, LLC will mine red rock gravel (approximately 70%), gray rock gravel (approximately 20%), and small amount of coke product (less than 10%) for wholesale. These materials are handled on-site by front-end loaders, track hoes, dump trucks, and rock crushers. Materials are typically mined, crushed, stockpiled, and loaded onto dump trucks for shipment off-site. Ancillary operations include portable fueling of material handling equipment from mobile fuel sources, maintenance of on-site equipment, materials weighing, and maintenance of the yard area and access roads. All containment areas are capable of containing greater than 110% of the largest tank within the containment area. Responsible employees are aware of damages possible when oil encounters the environment and are committed to preventing such encounters. The site will maintain 4 employees with 7 AM to 3:30 PM operation.

3.2 MATERIAL HANDLING PRACTICES AND SIGNIFICANT MATERIALS EXPOSED TO PERCIPITATION

Diesel fueling operations will be conducted outdoors and incidental spillage is exposed to precipitation. All incidental spillage is handled as per the facility's Spill Prevention Control and Countermeasures (SPCC) Plan. Fifty-five-gallon drums of hydraulic oil used crankcase oil, and lubrication oil are exposed to precipitation. Material handling equipment and hauling trailers, sand, gravel, and other inert materials are also exposed to precipitation. The yard is compacted soil and gravel, and exposed portions of the buildings are made of galvanized metal roofing, painted metal, masonry, and wood. All petroleum products are to be handled as per the facility's SPCC Plan.

3.3 SURVEY OF NON-STORMWATER DISCHARGES

Between August 2014 and January 2025, Mr. Zachary Wilbanks, P.E. of Wilbanks Engineering & Environmental Solutions, LLC and/or Mr. Burke Wakefield of Industrial Carbon Products, LLC visually surveyed the Southern Red Rock, facility on numerous occasions. Industrial Carbon Products, LLC has maintained drainage control by ensuring all facility processes have taken place within the confines of the permitted area and within existing sediment control structures (i.e., Outfalls 001E and 002E). No undocumented discharges are believed present.

3.4 SIGNIFICANT LEAKS AND SPILLS

A spill of diesel fuel occurred at the site in 1989. The cause of the spill was believed to be former-employee sabotage. The spill and petroleum contaminated soil was subsequently cleaned-up, and no other spill events are known to have occurred.

3.5 NPDES MONITORING REQUIREMENTS

The Southern Red Rock stormwater discharge permit requires periodic testing of stormwater from the designated outfalls. Historically, there have been very few discharges from the site's sedimentation ponds. Discharge from sediment basin 002E and 003P is less likely but could occur during high rainfall periods. The permit requires collection of at least one grab sample of the discharge form each sediment basin (001E, 002E, and 003P) every other week for pH, Specific Conductance, Sulfate (S), TSS, Total Iron (Fe), Total Manganese (Mn), and Flow (in MGD); once a month for Dissolved Selenium, Nickel, Silver, Zinc, Cadmium, Copper, and Total Aluminum (Al); once a quarter for TDS and Acute Toxicity (Ceriodaphnia and Pimephales. DMR forms will be submitted electronically to the Alabama Department of Environmental Management, hard copies will be available upon request. Forms are subject to change in order to stay in compliance with state regulation.

3.6 POTENTIAL SOURCES OF SUSPENDED SOLIDS AND OIL AND GREASE

All exposed soil in the material storage yard, the gravel parking areas, and earth embankments are potential erosion zones, and potential sources of suspended solids in stormwater runoff. All visible signs of erosion, such as rutting, slumping and broad wash-out zones are known areas of suspended solids generation and require immediate corrective action.

Potential sources of oil and grease include broken hydraulic hoses, fuel spills, waste oil/maintenance spills, and leaking equipment. Leaking equipment and spills are known sources of oil and grease and require immediate maintenance and cleanup.

SECTION 4.0
POLLUTION ABATEMENT CONTROLS

4.1 SITE DRAINAGE

The Southern Red Rock facility is designed for stormwater to sheet flow westerly towards two NPDES permitted sedimentation basins and easterly towards one proposed sedimentation basin. The settling basins are designed to remove suspended solids from the stormwater prior to discharge.

Ponded stormwater in the vicinity of the rock crusher is pumped into open channel ditches that flow into Basin 002E. It is necessary to pump this ponded stormwater because gravity drainage from this area is not practical. It is necessary to pump this ponded stormwater to minimize the volume of stormwater infiltration at the site.

It is necessary to maintain positive drainage from all mining areas into the sedimentation basins. This is necessary to minimize the volume of untreated water that infiltrates into the ground. Regular maintenance of the drainage ditches in required to insure positive drainage into the sedimentation basins.

Currently, the sediment basins appear to be working properly. However, overtime, sediment will accumulate in the basins which will reduce the basins' effectiveness. When total suspended solids (TSS) discharge concentrations consistently approach the discharge limits, or the basins reach 60% capacity with sediment, then it will be necessary to dredge the accumulated sediment from the basins. The sediment may then be dredged from the basins and used for fill as needed on-site or sold as construction material/aggregate. In addition to 001E and 002E, the proposed sedimentation basin 003P is going to assist retaining surface runoff on the northeastern portion of the site once material processing advances to the east and past the drainage divide, respectively in Figure 1-2.

Phasing of mining activities on-site will provide for the existing incised ponds to maintain adequate capacity for sediment retention throughout future operations. The current proposed total area of the permit site is an 85.0-acre phase of operations that will be expected to continue for a minimum of five years.

4.2 OUTFALL 001E CONTAINMENT BERM

An earthen berm is present along the western edge of the site. This berm serves as containment to divert stormwater towards sedimentation basin 001E. The structural integrity of this containment berm is essential for proper stormwater management at the site. Therefore, regular inspection and maintenance of this berm is required.

4.3 RED ROCK WASHING

Crushed red rock is washed with water from sedimentation Basin 002E. Wash water then drains back into sedimentation Basin 002E.

4.4 RED ROCK STORAGE

Screened red rock will be stockpiled prior to shipment off-site. The red rock stockpile should be as far as practical from the sedimentation basins to minimize silting of the basins.

4.5 EROSION PREVENTION AND REMEDIATION

Most of the flow across the Southern Red Rock facility is sheet flow. However, occasionally, rutting and rill erosion will develop. When this happens, it will be necessary to grade or fill the area to maintain sheet flow.

Some areas of the facility are not used for storage nor traffic. It is recommended to establish turf grass on these areas. Proper seed selection and soil preparation is required to establish turf grass. A turf grass selection chart is available upon request. Areas to be planted must be disked or scarified prior to planting. Rough slope surfaces are preferred because they aid the establishment of vegetation, improve water infiltration, and decrease runoff velocity. Graded areas with smooth, hard surfaces may be initially attractive, but such surfaces increase the potential for erosion. A rough, loose soil surface gives a mulching effect that protects fertilizer and seed. Nicks in the surface are cooler and provide more favorable moisture conditions than hard, smooth surfaces; this aids seed germination.

There are different methods for achieving a roughened soil surface on a slope, and the selection of an appropriate method depends upon the type of slope. Tracking with equipment perpendicular to the slope,

is a reliable method of scarification for industrial sites. Easily accessed areas may be plowed, disked, or scarified in a similar manner/ After the area has been prepared and seeded, it will be necessary to mulch the seed to obtain a significant germination rate. A light covering of hay, straw, or grass clippings will greatly increase the effectiveness of a turf grass planting program. It may be necessary to re-seed steep slopes (such as the banks of the drainage channel) several times before a suitable stand of turf grass is established.

4.6 OPEN CHANNEL MAINTENANCE

Several open channel flow ditches are present on the Southern Red Rock site. The arrows in Figure 1 represent those ditches. These ditches require periodic maintenance to drain effectively and may change location as mining continues. When areas of open channel flow ditches shown obvious signs of erosion, it will be necessary to perform maintenance. As necessary, the ditches' cross-section should be repaired to resemble the appropriate standard designs shown on Figures 4 and 5.

4.7 GOOD HOUSEKEEPING

Limiting the materials exposed to stormwater along with good housekeeping practices is a cost-efficient and effective method of maintaining stormwater quality. Used tires, obsolete equipment, disabled vehicles, and miscellaneous debris should be removed from the site as part of regular facility maintenance.

4.8 GENERAL EROSION CONTROL MEASURES

Much of the stormwater flow across the Southern Red Rock facility is sheet flow. However, the potential exists for erosion channels to develop. If erosion channels develop, the area will be graded smooth and then seeded and mulched to maintain sheet flow. However, if the erosion channel appears to be chronic, it will be necessary to build an erosion resistant water course. Examples of typical engineered water courses and culvert outlet protection designs are shown in Figures 4 and 5.

4.9 SEDIMENTATION BASINS

The Southern Red Rock facility is designed to drain stormwater towards three sedimentation basins. The sedimentation basins discharge through outfalls 001E, 002E and 003P, respectively, into open channel ditches which flow to the unnamed tributary of Lost Creek.

The existing basins on-site are incised with typically no discharge occurring. Basin 001E exists on a spoil/gob material area with an existing 18" steel stand pipe with a 90-degree elbow routing discharge through the embankment to the outfall location. The typical for this basin is shown in Figure 3b. Basin 002E exists on a spoil/gob material area, but does not currently have a discharge structure. Water is pumped out of the pool area of this pond to facilitate makeup water in processing materials at the facility. Due to the fact that no discharge structure is present, all water is either pumped down or routed over to Basin 001E to prevent Basin 002E from discharging. Discharges from Basin 002E will not be allowed until an appropriate spillway/discharge system is installed. The appropriate spillway system would be installed in accordance with the pond construction criteria in Appendix A.

These existing basins are on the edge of a massive spoil/gob material pile that has high permeability of the onsite materials leading to low run-off coefficients within the disturbed areas. Although the site spoil materials experience very low run-off coefficients, the basins maintain water levels. The primary purpose of the sedimentation basins is to remove suspended solids from the stormwater prior to discharge. If the full pool depth of the sedimentation basins becomes less than four feet, then it may become necessary to dredge the basins to increase their stormwater retention time. On-site sedimentation basins must be maintained throughout the permit life. Dredged material from the sedimentation basins will be stock-piled and evaluated. If possible, dredges will be sold as construction aggregate. Otherwise, dredges will be used as on-site fill material.

The additional proposed sedimentation basin 003P will be designed on the northeastern portion of the site and follow the construction criteria shown in Appendix A. The typical for this pond is shown in Figure 3a. This sedimentation basin will help aid in pollution control from the Southern Red Rock site.

4.10 PETROLEUM USE AND STORAGE CONTROLS

Petroleum use and storage controls are addressed in the facility's Spill Prevention Control and Countermeasure Plan. General controls include incidental spill clean-up, inspection, secondary containment measures, and fuel handling administrative controls.

4.11 WASTEWATER TREATMENT

Sediment basins 001E, 002E, and 003P may exhibit low pH and may require treatment prior to discharge. Typical treatment methods include application of quicklime (calcium carbonate, CaC03), or

application of hydrated lime, (also known as calcium hydroxide, or milk of lime, Ca(OH)z). Quicklime is a fine dry powder that can be applied to the inlet channels of the sediment basin. This type of treatment requires regular applications of quicklime and regular monitoring. For faster wastewater treatment, the liquid milk of lime can be pumped into the basin. Both treatment methods are effective but require several hours of contact time before any pH adjustment can be measured.

The volumes of "quicklime" or "milk of lime" necessary to modify the pH to within discharge limits is best determined empirically. With experience, the operator will become familiar with the necessary volumes of lime and required reaction times to produce the desired pH. A facility process diagram is included as Figure 6.

SECTION 5.0
SITE RECLAMATION

5.1 FINAL RECLAMATION

The site manager will ensure completion of the following steps during the mine's final reclamation, within two (2) years of the termination of mining activities at the site:

1. All mining and processing equipment (mobile or stationary) will be removed from the site.

2. The contents of all fuel/lubricant storage vessels will be pumped for subsequent transportation off-site, and the vessels themselves will be removed.

3. All man-made structures will be removed or demolished; any remains of such structures will be disposed of or recycled off-site.

4. Any remaining stockpiles of material will be transported elsewhere for sale or utilized in the mine's reclamation.

5. Areas mined for red-rock will be graded to a 3:1 or flatter slope where necessary to minimize future erosion of topsoil, and to prevent bodies of standing water (other than reclaimed pits or settling ponds) from forming.

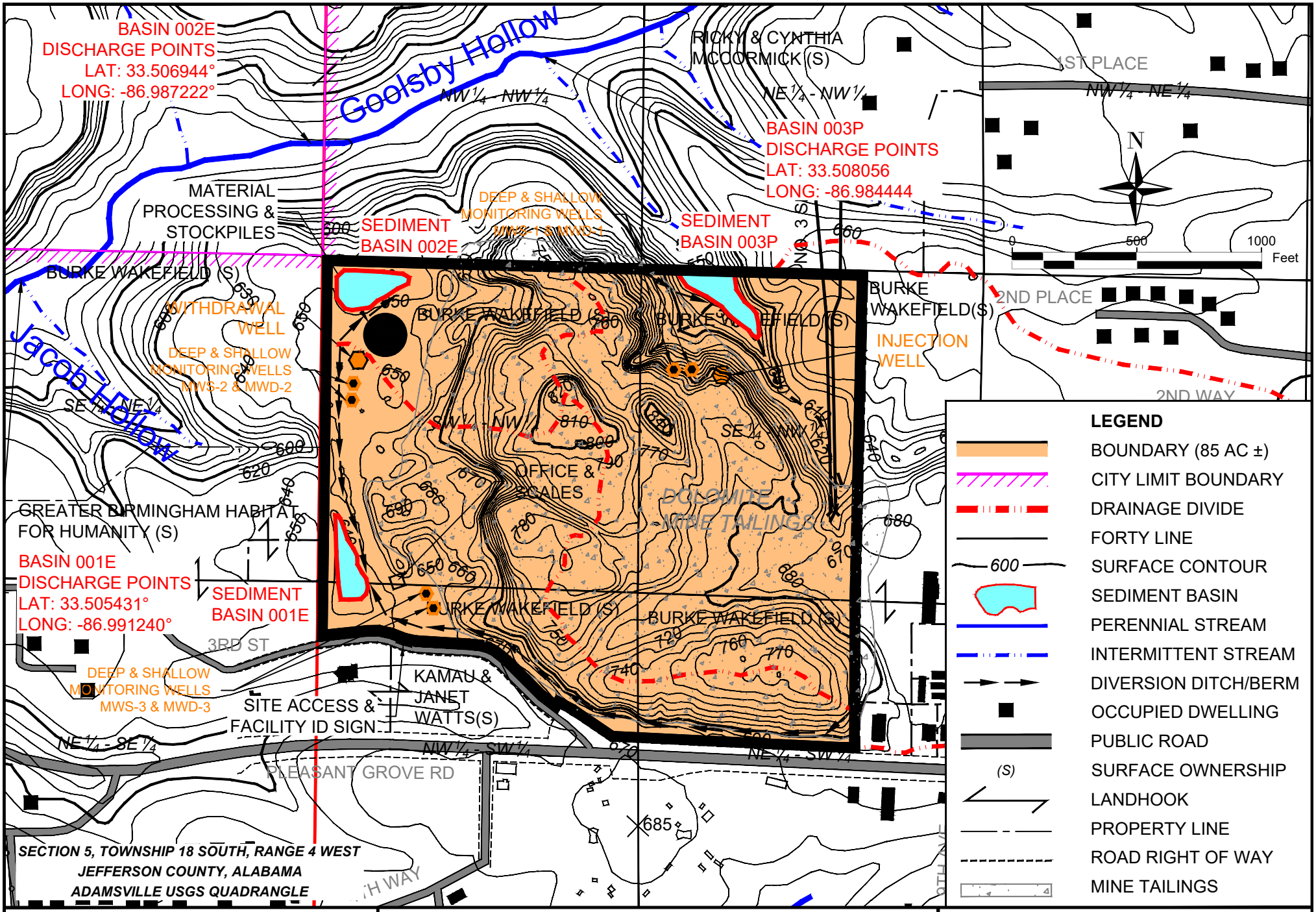
6. Gullies and washouts will be repaired by backfilling with soil or red-rock riprap, and stabilized with vegetative cover where appropriate

7. All lands shall be reclaimed to a neat, clean condition by removing litter, junk, worn-out or unusable equipment. and cables.

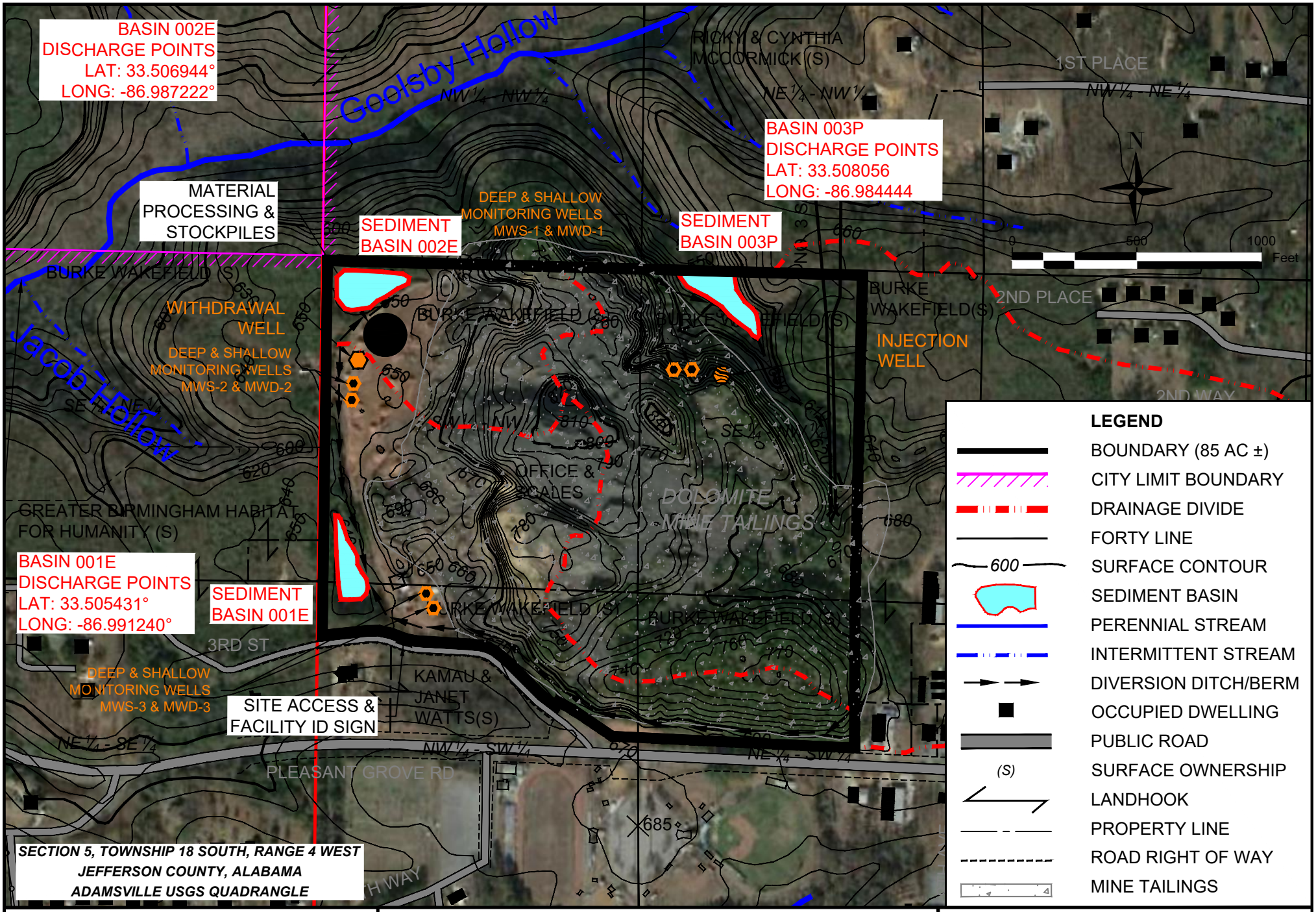
8. Best management practices will be utilized to minimize erosion.

9. A suitable berm or back sloping will be employed along the tops of sheer walls above all benches to prevent uncontrolled surface runoff over the sheer wall.

FIGURES



ADEM NDPES PERMIT AL0059684	**DETAILED FACILITY MAP**	SCALE: 1" = 500'
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	**INDUSTRIAL CARBON PRODUCTS, LLC** SOUTHERN RED ROCK - PLEASANT GROVE, AL	DATE: 04/10/2025
		DRAWN BY: CCC



ADEM NDPES PERMIT AL0059684	**DETAILED AERIAL FACILITY MAP**	SCALE: 1" = 500'
WILBANKS ENGINEERING & ENVIRONMENTAL SOLUTIONS, LLC	**INDUSTRIAL CARBON PRODUCTS, LLC** SOUTHERN RED ROCK - PLEASANT GROVE, AL	DATE: 04/14/2025 DRAWN BY: CCC

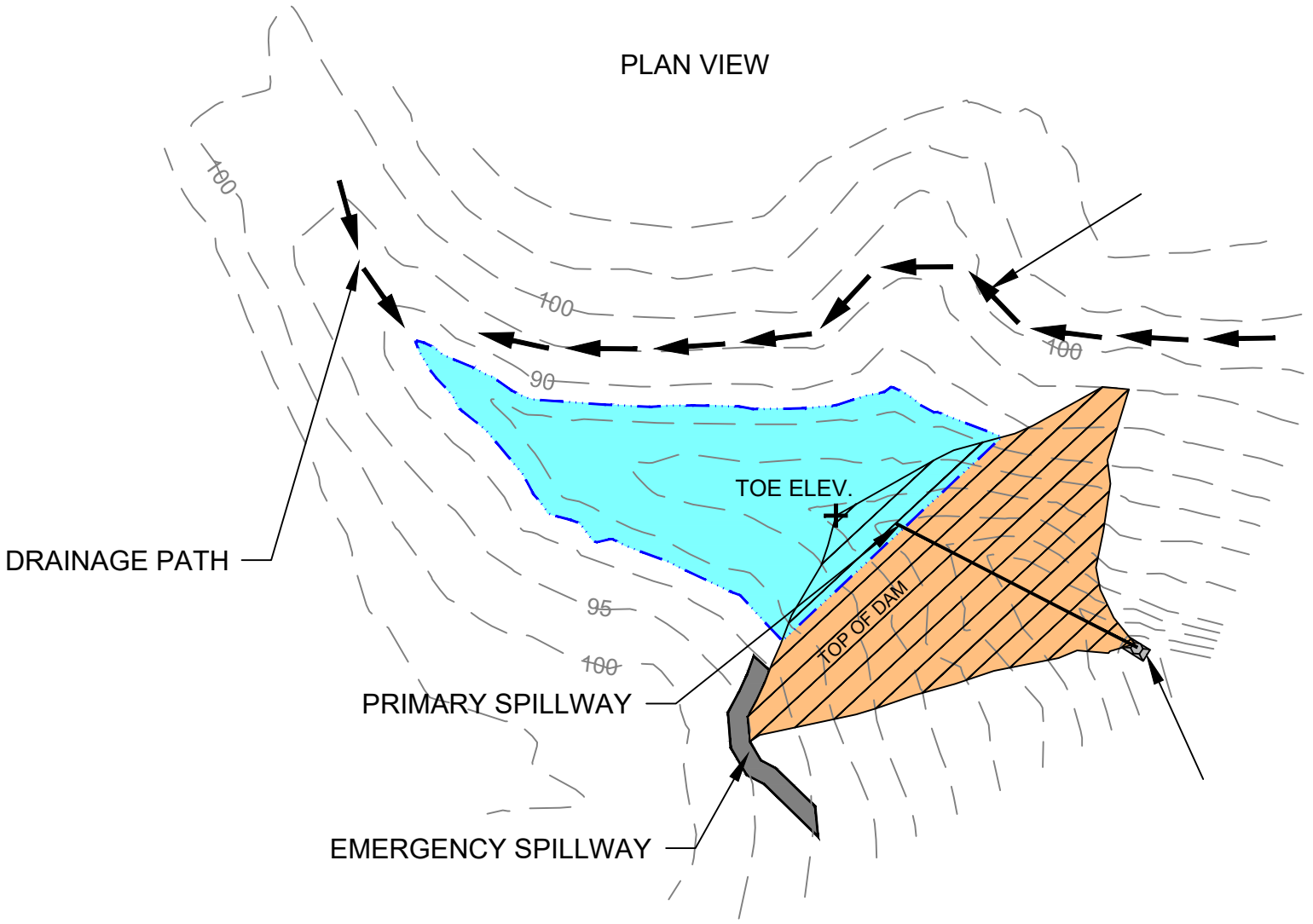


FIGURE 3a
PROPOSED SEDIMENTATION POND 003P

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210 REDMAYNE RD., GARDENDALE, AL 35071 (205) 985-9696

EMBANKMENT CROSS-SECTION

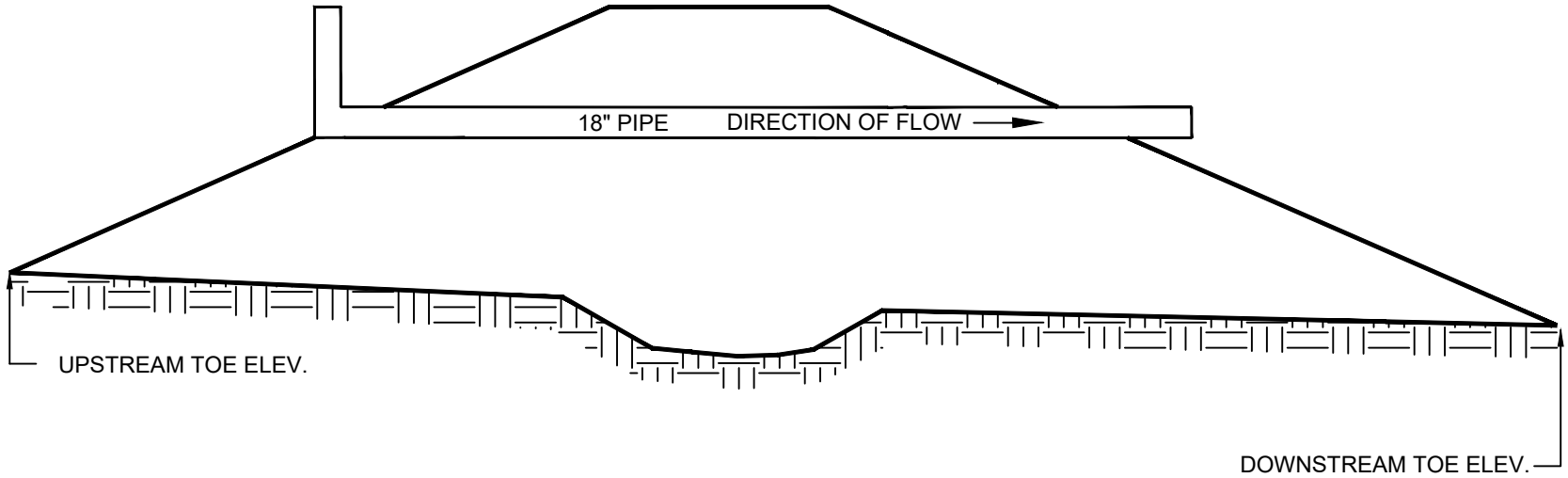

FIGURE 3b
TYPICAL EMBANKMENT CROSS-SECTION BASIN 001E

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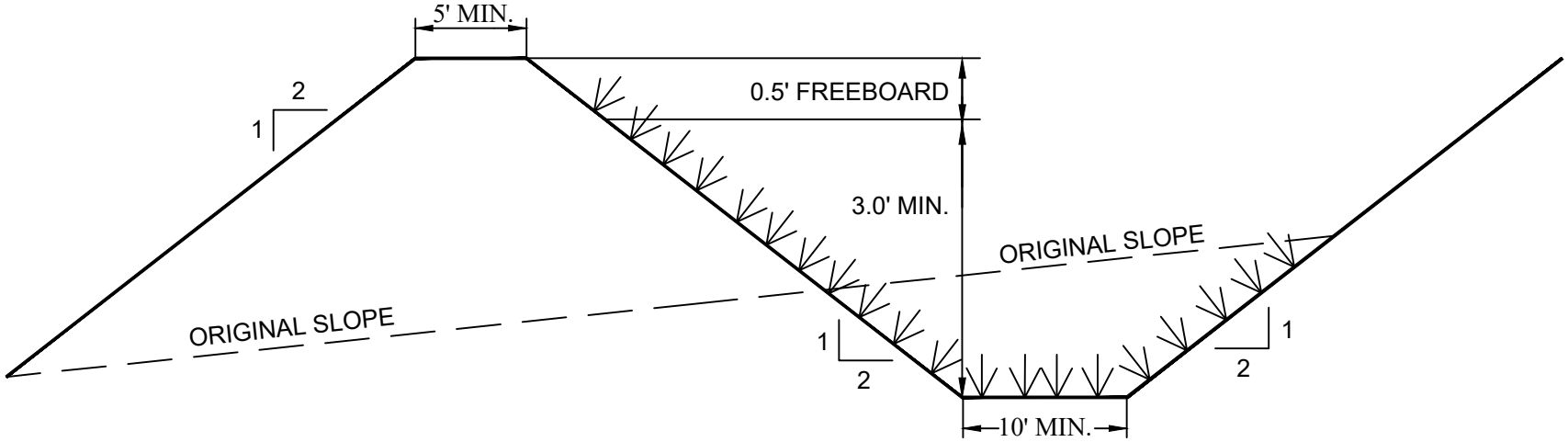
& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMYANE RD., GARDENDALE, AL 35180 (205) 285-9696

DIVERSION DITCH/BERM
TYPICAL CROSS-SECTION



DITCH PROTECTIVE LINER: GRASS MIXTURE, PREDOMINATELY BERMUDA AND FESCUE GRASSES.

Berm material to consist of clay, placed in 6 inch lifts and compacted to 95% of standard proctor density. Standard proctor density to be determined prior to placement of the material.

FIGURE 4
TYPICAL DRAINAGE DIVERSION DITCH/BERM

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& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMAYNE RD., GARDENDALE, AL 35071 (205) 985-9696

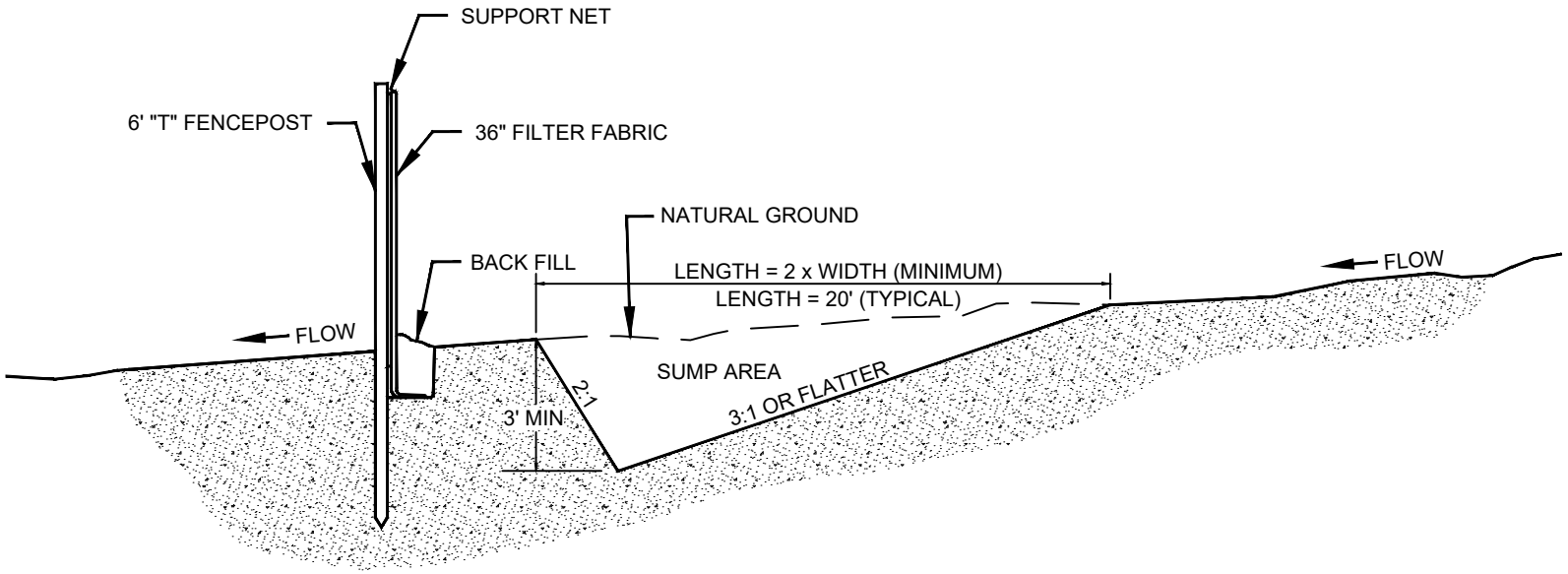

FIGURE 5
TYPICAL SUMP/SILT FENCE
LAYOUT

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& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMAYNE RD., GARDENDALE, AL 35071 (205) 985-9696

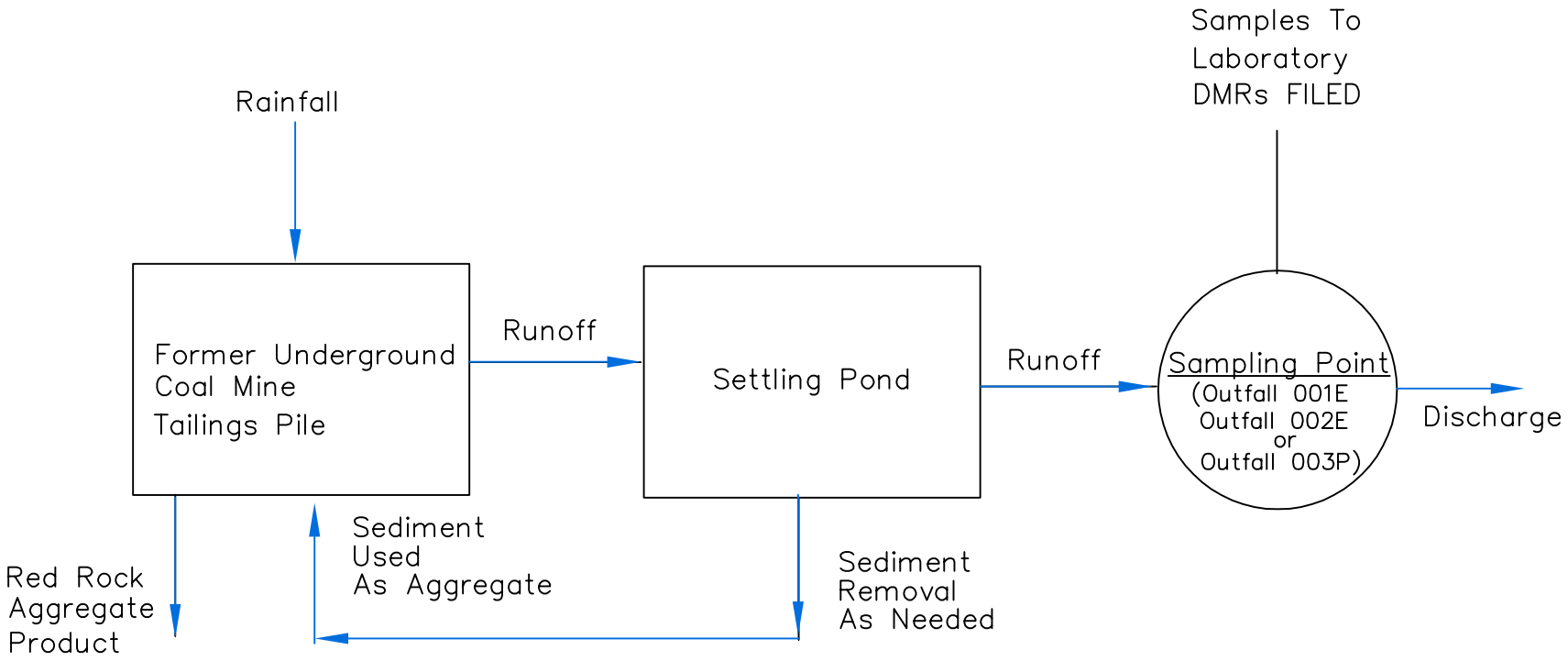

FIGURE 6
PROCESS FLOW DIAGRAM

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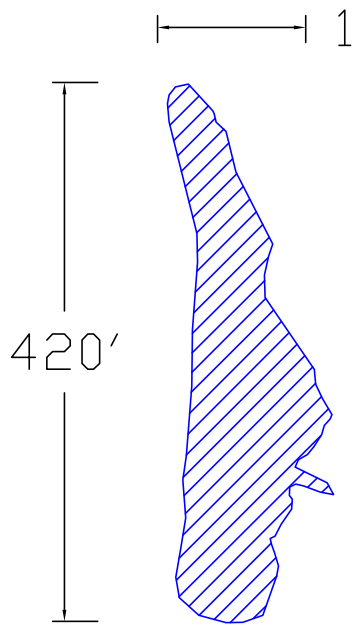
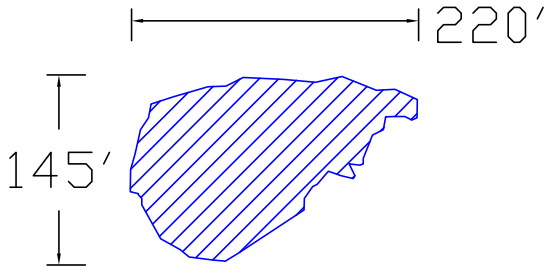
210 REDMAYNE RD., GARDENDALE, AL 35071 (205) 985-9696



Sediment Basin 001-E

Avg. Depth >25′
In-Sized Greater than 27.2 Acre/Ft Volume
Recommended 27 Acre/Ft Volume



Sediment Basin 002-E

Avg. Depth +/-4′
In-Sized Approx. 3.0 Acre/Ft Volume
Recommended 2.5 Acre/Ft Volume

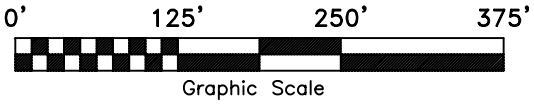


FIGURE 7
EXISTING SEDIMENTATION PONDS

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APPENDIX A – POND & PRIMARY ROAD CONSTRUCTION SPECIFICATIONS

ATTACHMENT FOR APPENDIX A

POND CONSTRUCTION CRITERIA

The embankment for sediment basins (temporary and permanent) shall be designed and built using the following as minimum criteria:

1. The top of the dam shall be no less than 12 feet wide.

2. See design sheet for maximum and minimum embankment slopes.

3. The foundation and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundments, with a minimum static safety factor of 1.5 for the normal pool with steady seepage saturation conditions, and a seismic safety factor of at least 1.30.

4. The dam shall be constructed with a cutoff trench based upon prudent engineering practices for the site. The cutoff shall be located on the dam centerline and be of sufficient depth to extend into a relatively impervious material from which the core of the dam shall also be constructed.

5. The embankment foundation area shall be cleared of all organic matter, all surfaces sloped to no steeper than lv:lh, and the entire foundation surface scarified.

6. The entire embankment and cutoff trench shall be compacted to 95 percent density, based on standard proctor as outlined in ASTM.

7. The material placed in the embankment shall be free of sod, roots, stones over 6 inches in diameter, and other objectionable materials. The fill material shall be placed and spread over the entire fill area, starting at the lowest point of the foundation, in layers not to exceed 12 inches in thickness. Construction of the fill shall be undertaken only at such times that the moisture content of the fill material will permit satisfactory compaction in accordance with paragraph 5.

8. The pool area of the basin will be cleared of timber and large undergrowth.

9. The primary decant system when consisting of a pipe shall be installed according to Class C pipe installation for embankment bedding.

10. The primary decant system shall be equipped with a device, or constructed, such as to ensure that subsurface withdrawal is accomplished to prevent discharge of floating solids. If a channel is used as the primary decant a skimmer shall be installed to prevent floating solids from discharging.

ATTACHMENT FOR APPENDIX A (CONTINUED)

11. A splash pad or riprap may be required under the discharge of the primary decant system where necessary to ensure that the discharge does not erode the embankment.

12. The combination primary and secondary decant system shall be designed to safely carry the expected peak flow from a 25 year - 6 hour storm. The entire emergency overflow spillway channel will be a stabilized channel and will be stabilized upon completion of construction as specified within the detailed design plans using prudent engineering measures. These measures may consist of lining the spillway with concrete or a durable rock riprap, or the spillway being constructed in consolidated non-erodible material and planted with a mixture or both annual and perennial grasses, or a combination of any or all of the above.

13. Sediment basins using a single spillway system shall be an open channel of non-erodible construction consisting of concrete, durable rock riprap or its being constructed in consolidated non-erodible material as specified in the detailed design plans.

14. The settled embankment for temporary impoundments shall be a minimum of 1.0 foot above the maximum water elevation for the runoff from a 25 year - 6 hour, or a 10 year - 24 hour precipitation event (whichever has the greatest runoff). The settled embankment for permanent impoundments shall be a minimum of 1.0 foot above the maximum water elevation for the runoff from a 25 year- 6 hour, or a 10 year- 24 hour precipitation event (whichever has the greatest runoff).

15. If basins are built in series, then the combined decant system for each shall be designed to accommodate the entire contributing drainage area.

16. The dam and all disturbed areas shall be seeded with both perennial and annual grasses, fertilized and mulched in order to insure erosion is minimized. Hay bales or riprap may be placed at the toe of the dam immediately upon completion of construction.

17. The constructed height of the dam shall be increased a minimum of 5 percent over the design height to allow for settlement over the life of the embankment.

18. Final graded slopes of the entire permanent water impoundment area shall not exceed 2.5H-l.0V to provide for adequate safety and access for proposed water users.

19. Prior to Phase II bond release, additional data concerning water quality, water quantity, depth, size, configuration, postmining land use, etc., for each proposed permanent water impoundment, shall be submitted to the Regulatory Authority for permanent water impoundment approval.

ATTACHMENT FOR APPENDIX A (CONTINUED)

20. All sediment basins will be inspected for stability, erosion, etc. two (2) times a month until removal of the structure or release of the reclamation bond.

21. The embankment and spillway will be maintained by repairing any damage such as erosion, slope failure or spillway damage until removal of the structure or release of the performance bond.

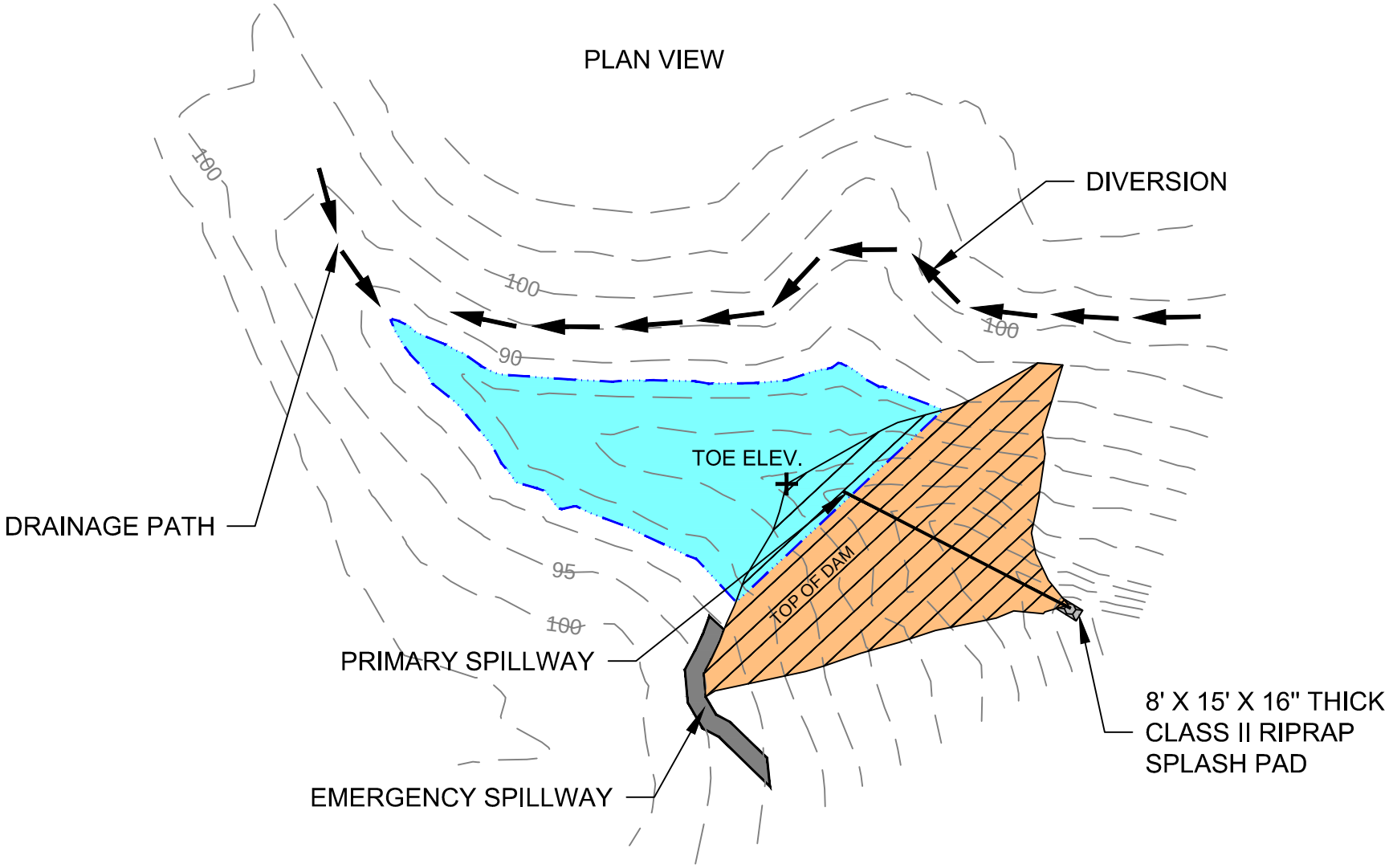
22. All ponds shall be examined quarterly for structural weakness, instability, erosion, or other hazardous conditions and maintenance performed as necessary. Formal inspections shall be made on an annual basis, including any reports or modifications, in accordance with 880-X -1 OC-.20 [l(j)] of the Alabama Surface Mining Commission Regulations.

23. Sediment will be removed from each pond when the accumulated sediment reaches the sediment storage volume as shown on the detailed design sheet.

24. Upon completion of mining, successful reclamation and effluent standards being met, each sediment basin not remaining as a permanent water impoundment will be dewatered in an environmentally safe manner (such as siphoning, pumping, etc.) and reclaimed to approximate original contours by the following procedure: A permanent diversion channel (designed for a 10 year- 24 hour precipitation event) shall be cut along the outer edge of the basin to re-route drainage around the basin and back through the stabilized spillway to allow reclamation of the sediment basin. The diversion channel shall be designed and grassed as per enclosed information. (See permanent diversion for basin disposal). Upon completion of the diversion channel the back slope of the dam shall be graded to a minimum 3H to 1V slope. The dewatered sediment basin area shall be seeded with some combination of the following: Fescue, Bermuda, rye grass, canary grass and willows. After seeding the area shall be mulched. Any additional sediment or embankment material not used to meet original contour, if non-toxic, shall be spread in thin layers within the permit area and vegetated as stated in the approved reclamation plan. All toxic material encountered in the basin disposal shall be buried and covered with 4 feet of non-toxic material and vegetated as stated in the approved reclamation plan.

25. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer shall conduct regular inspections during construction and upon completion shall inspect each basin for certification purposes.

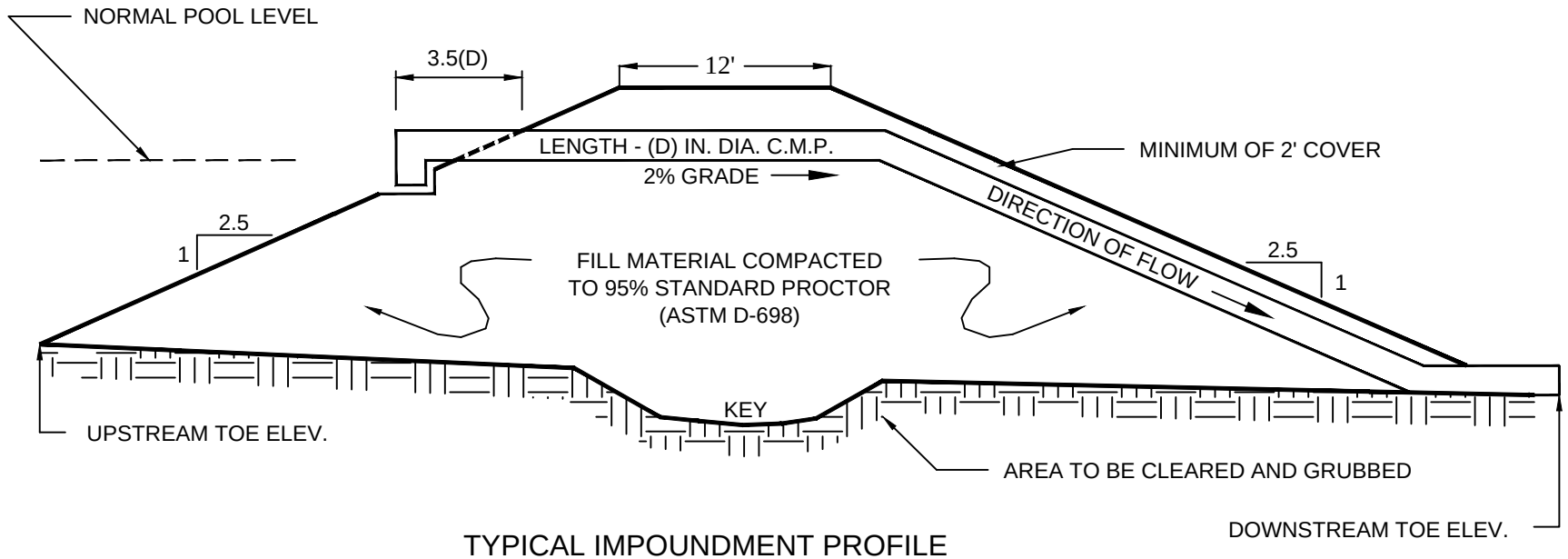
26. Point source discharge embankments shall be constructed and abutments keyed into desirable material if at all possible. In the event that undesirable material is encountered, addition design and construction criteria shall be submitted prior to certification.



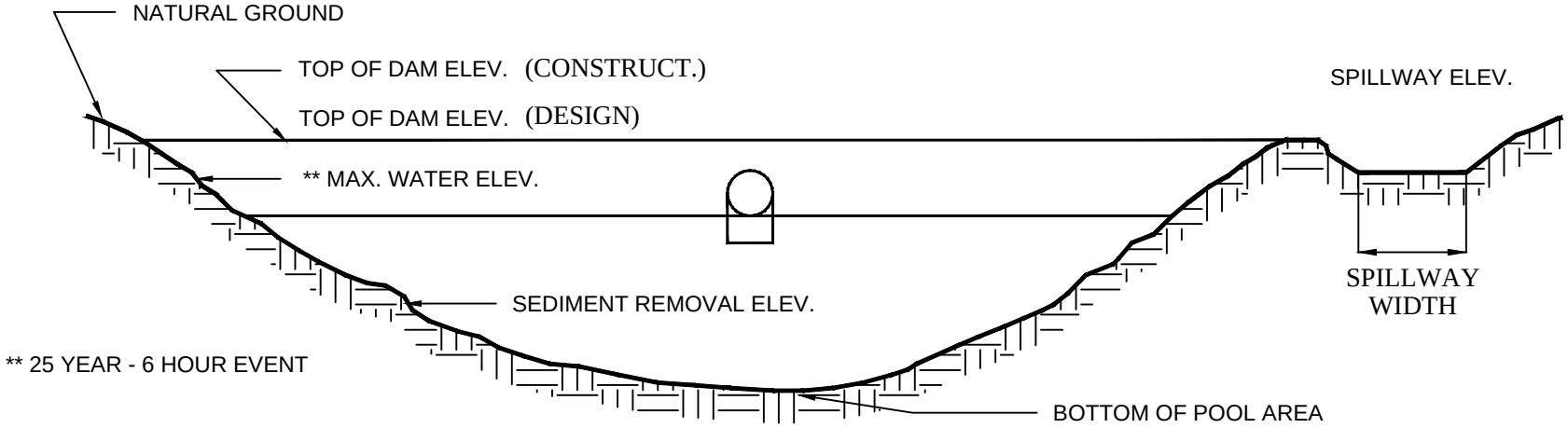
ATTACHMENT III-B-2(a)
SEDIMENT BASIN TYPICAL

WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMYANE RD., GARDENDALE, AL 35071 (205) 285-9696

TYPICAL EMBANKMENT CROSS-SECTION



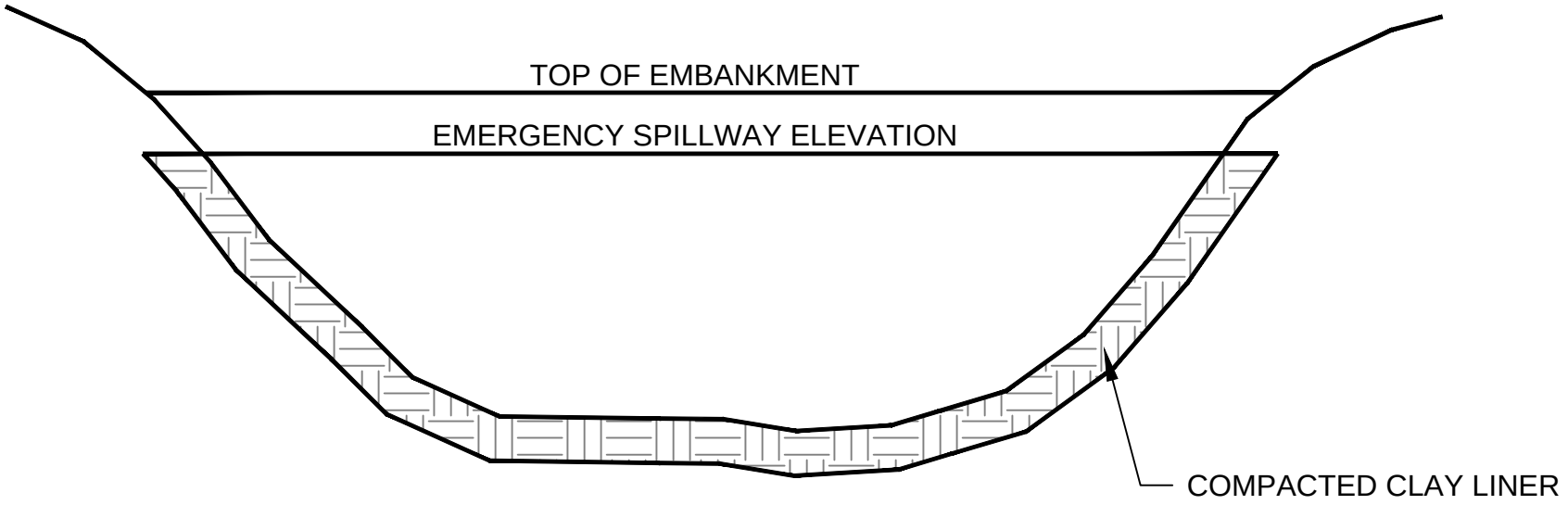
TYPICAL IMPOUNDMENT PROFILE



ATTACHMENT III-B-2(a)
SEDIMENT BASIN TYPICAL

WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMYANE RD., GARDENDALE, AL 35071 (205) 285-9696

TYPICAL IMPOUNDMENT PROFILE
CLAY LINER CROSS-SECTION



In the event that a sediment basin must be constructed in spoil material, the interior or wet area of the basin will be lined with a minimum of one (1') foot of clay material with a permeability no greater than 0.000001 cm./sec. up to the emergency spillway elevation. The clay liner material will be placed in lifts no greater than six inches (6") and compacted to ninety-five (95) percent of the standard proctor density.

ATTACHMENT III-B-2(a)
SEDIMENT BASIN TYPICAL

WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMYANE RD., GARDENDALE, AL 35071 (205) 285-9696

ATTACHMENT FOR APPENDIX A

SPECIFICATIONS FOR THE CONSTRUCTION, MAINTENANCE AND RECLAMATION OF PRIMARY ROADS

1. Primary roads shall be designed by or under the direction of a registered professional engineer in accordance with the Alabama Surface Mining Commission rules and regulations and prudent engineering practice.

2. Each roadway embankment will be designed and constructed so as to have a minimum static safety factor of 1.3.

3. To the extent possible, roads will be located on ridges or on the most stable available slopes to prevent or minimize erosion, downstream sedimentation and flooding in an effort to prevent adverse effects to fish, wildlife and related environmental values.

4. To the extent possible, roads will be located above the sediment basins to be constructed for the mining operation in an effort to control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area and to comply with State and Federal water quality standards applicable to receiving waters and avoid the alteration of the normal flow of water in streambeds or drainage channels while preventing or controlling damage to public or private property. Where it is not possible or is impractical to locate roads in this manner, sediment control devices such as silt fencing, hay bale check dams and rock filter check dams will be used as necessary to maintain water quality. No fording of intermittent or perennial streams will be conducted unless specifically approved by the Alabama Surface Mining Commission as temporary routes to be used during road construction.

5. Prior to construction, the roadway will be cleared, grubbed and will have the topsoil removed. The clearing limits will be kept to the minimum necessary to accommodate the roadbed and associated ditch construction.

6. Roads will be constructed of suitable compacted subgrade material. The material will be free of sod, roots, stones over 12 inches in diameter, and other objectionable materials. The material will be placed and spread over the entire fill area, starting at the lowest point in layers not to exceed 12 inches in thickness. The material will be compacted to 95 percent of the density, based on standard proctor as outlined in ASTM.

7. Primary roads will have a minimum width of eighteen feet and a maximum width necessary to accommodate the largest equipment traveling the road.

8. Roadbeds will be cut to consolidated non-erodible material or will be surfaced with durable non-toxic, non-acid forming substances. The wearing surface will consist of durable sandstone, chert, crushed limestone, crushed concrete, crushed asphalt, red rock, iron ore refuse, gravel, or other durable non-toxic, non-acid forming material approved by the Regulatory Authority. The wearing surface will be placed on the roadbed to a depth of four inches.

ATTACHMENT FOR APPENDIX A (CONTINUED)

9. No sustained grades will exceed ten percent unless deemed necessary, in which case appropriate sediment control facilities will be constructed. If grades in excess of fifteen percent are required, cross drains, ditch relief drains and road drainways will be located at a minimum distance of three-hundred feet.

10. Roads will be constructed so as to have adequate drainage utilizing ditches, culverts, cross drains and ditch relief drains designed to safely pass the peak runoff from a ten year, six hour precipitation event. Drainage pipes and culverts shall be installed as designed and will be maintained in a free and operating condition to prevent and control erosion at inlets and outlets. Culverts have been designed to support the load of the heaviest equipment to travel the road and are based on the Handbook of Steel Drainage and Highway Construction Products by the American Iron and Steel Institute and the equipment specifications. Drainage ditches will be constructed and maintained in accordance with the approved design to prevent uncontrolled drainage over the road surface and embankment. Roads will not be located in the channel of an intermittent or perennial stream unless specifically approved by the Alabama Surface Mining Commission. Additionally, no relocation and/or alteration of an intermittent or perennial stream will be done unless specifically approved by the Alabama Surface Mining Commission. In the event that it becomes evident that any drainage structures including culverts, bridges and/or low water crossings will be required in order to cross an intermittent or perennial stream, the structure will be designed and constructed in accordance with Alabama Surface Mining Commission requirements and prudent engineering practice and the approval of the design(s) will be acquired prior to the commencement of construction. Hay bale check dams and silt fences will be used at strategic locations when necessary to control sediment runoff. Immediately upon completion of construction, the side slopes of the road embankments and/or cuts will be fertilized, seeded with annual and perennial grasses and mulch will be added to aid in the prevention of erosion and to enhance seed germination. The seed mix will consist of, but is not limited to, some combination of the following species: Bermuda grass, fescue, lespedeza, rye grass, brown top millet, clover and vetch. The particular species to be planted will vary with the planting season at the time of seed application. Upon completion of construction of each phase of the roadway the construction will be certified to the Alabama Surface Mining Commission as having been done in accordance with the approved plans for the roadway and associated facilities.

11. Routine maintenance will be required to assure that the road continually meets performance standards and will consist of periodic grading, resurfacing, dust suppression and maintenance of sediment control facilities. Dust suppression will consist of the application of water, chemical binders and/or other dust suppressants. No oil will be utilized in this process. Spot seeding, fertilizing and mulching will be performed as necessary to improve vegetative cover on roadway slopes. A road damaged by a catastrophic event shall be repaired as soon as practicable after the damage has occurred.

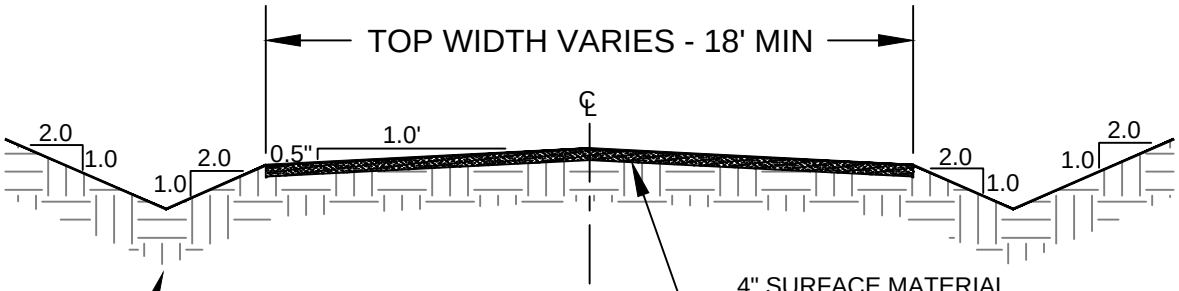
ATTACHMENT FOR APPENDIX A (CONTINUED)

12. Roads not to be retained as part of the post mine land use shall be reclaimed in accordance with the approved reclamation plan for this permit as soon as practicable after they are no longer needed as part of the mining and reclamation operation, using the following procedures:

    a. The road will be closed to traffic.
    b. All bridges, culverts and other drainage structures not approved as part of the post mine land use will be removed.
    c. All road surfacing materials that are not compatible with the post mine land use or revegetation requirements will be properly disposed of on-site or removed from the site for re-use.
    d. Roadway cut and fill slopes shall be regraded and reshaped to be compatible with the post mine land use and to compliment the natural drainage pattern of the surrounding terrain.
    e. The natural drainage patterns shall be protected from surface runoff and erosion utilizing the installation of dikes and/or cross drains as necessary.
    f. The roadbed shall be ripped or scarified as necessary, the topsoil or substitute or approved growing medium shall be replaced and revegetated in accordance with the approved reclamation plan for this permit.

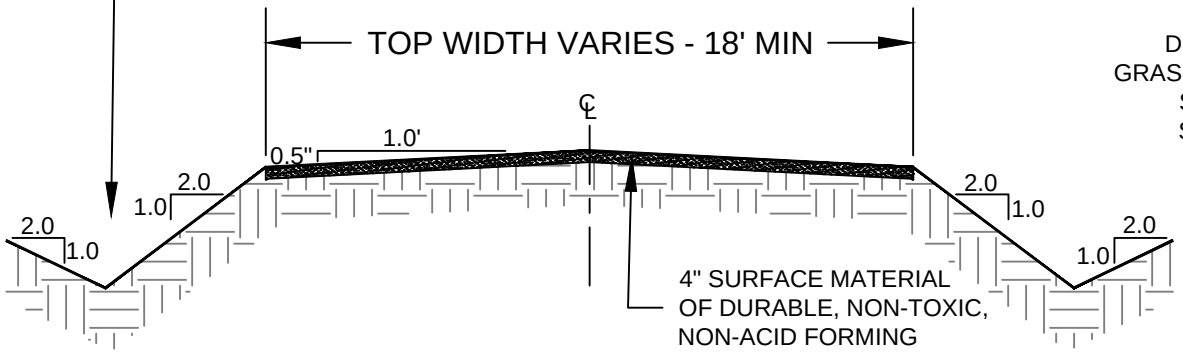
13. The drawings and data contained in the specific design plans illustrate typical roadbed configurations for primary roads as well as site specific design of drainage structures, stability analysis and ditch sections.

PRIMARY ROAD
TYPICAL CUT SECTION



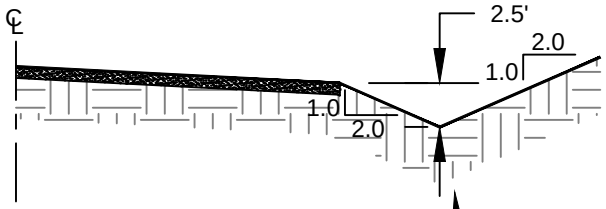
DRAINAGE DITCH TO BE LINED WITH GRASS MIXTURE. SEE SPECIFICATIONS. SEE DETAILED DESIGN PLANS FOR SPECIFIC DESIGN REQUIREMENTS.

PRIMARY ROAD
TYPICAL FILL SECTION



PRIMARY ROAD
TYPICAL DRAINAGE DITCH
CROSS-SECTION

MINIMUM DRY FREEBOARD: 0.5'
MAXIMUM FLOW DEPTH: 2.0'



DRAINAGE DITCH TO BE LINED WITH GRASS MIXTURE. SEE SPECIFICATIONS. SEE DETAILED DESIGN PLANS FOR SPECIFIC DESIGN REQUIREMENTS.

MINIMUM GRADIENT: 0.5%
MAXIMUM GRADIENT: 10.0%

ATTACHMENT III-B-5
PRIMARY ROAD TYPICALS

WILBANKS ENGINEERING
& ENVIRONMENTAL SOLUTIONS, LLC
210 REDMYANE RD., GARDENDALE, AL 35071 (205) 285-9696

ATTACHMENT FOR APPENDIX A (CONTINUED)

SPECIFICATIONS FOR THE CONSTRUCTION, MAINTENANCE AND RECLAMATION OF ANCILLARY ROADS

1. To the extent possible, roads will be located on ridges or on the most stable available slopes to prevent or minimize erosion, downstream sedimentation and flooding in an effort to prevent adverse effects to fish, wildlife and related environmental values.

2. To the extent possible, roads will be located above the sediment basins to be constructed for the mining operation in an effort to control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area and to comply with State and Federal water quality standards applicable to receiving waters and avoid the alteration of the normal flow of water in streambeds or drainage channels while preventing or controlling damage to public or private property. Where it is not possible or is impractical to locate roads in this manner, sediment control devices such as silt fencing, hay bale check dams and rock filter check dams will be used as necessary to maintain water quality.

3. Prior to construction, the roadway will be cleared, grubbed and will have the topsoil removed. The clearing limits will be kept to the minimum necessary to accommodate the roadbed and associated ditch construction.

4. Roads will be constructed of suitable compacted subgrade material. The material will be free of sod, roots, stones over 12 inches in diameter, and other objectionable materials. The material will be placed and spread over the entire fill area, starting at the lowest point in layers not to exceed 12 inches in thickness. The material will be compacted to 95 percent of the density, based on standard proctor as outlined in ASTM.

5. Ancillary roads will have a minimum width often feet and a maximum width necessary to accommodate the largest equipment traveling the road.

6. Roadbeds will be cut to consolidated non-erodible material or will be surfaced with durable non-toxic, non-acid forming substances. It is anticipated that durable sandstone overburden on site will be utilized as surfacing material. If there should not be adequate sandstone on site, then a durable sandstone material, chert, crushed limestone, crushed concrete, crushed asphalt, red rock, iron ore refuse, gravel, or other durable non-toxic, non-acid forming material approved by the Regulatory Authority will be hauled in from off site and placed on the roadbed to a depth of two inches.

7. No sustained grades will exceed ten percent unless deemed necessary, in which case appropriate sediment control facilities will be constructed. If grades in excess of fifteen percent are required, cross drains, ditch relief drains and road drain ways will be located at a minimum distance of three-hundred feet.

ATTACHMENT FOR APPENDIX A (CONTINUED)

8. Roads will be constructed so as to have adequate drainage utilizing ditches, cross drains and ditch relief drains. Roads will not be located in the channel of an intermittent or perennial stream unless specifically approved by the Alabama Surface Mining Commission. Additionally, no relocation and/or alteration of an intermittent or perennial stream will be done unless specifically approved by the Alabama Surface Mining Commission. In the event that it becomes evident that any drainage structures including culverts, bridges and/or low water crossings will be required in order to cross an intermittent or perennial stream, the structure will be designed in accordance with Alabama Surface Mining Commission requirements and prudent engineering practice and the approval of the design(s) will be acquired prior to the commencement of construction. Hay bale check dams and silt fences will be used at strategic locations when necessary to control sediment runoff. Immediately upon completion of construction, the side slopes of the road embankments and/or cuts will be fertilized, seeded with annual and perennial grasses and mulch will be added to aid in the prevention of erosion and to enhance seed germination. The seed mix will consist of, but is not limited to, some combination of the following species: Bermuda grass, fescue, lespedeza, rye grass, brown top millet, clover and vetch. The particular species to be planted will vary with the planting season at the time of seed application.

9. Routine maintenance will be required to assure that the road continually meets performance standards and will consist of periodic grading, resurfacing, dust suppression and maintenance of sediment control facilities. Dust suppression will consist of the application of water, chemical binders and/or other dust suppressants. No oil will be utilized in this process. Spot seeding, fertilizing and mulching will be performed as necessary to improve vegetative cover on roadway slopes. A road damaged by a catastrophic event shall be repaired as soon as practicable after the damage has occurred.

10. Roads not to be retained as part of the post mine land use shall be reclaimed in accordance with the approved reclamation plan for this permit as soon as practicable after they are no longer needed as part of the mining and reclamation operation, using the following procedures:

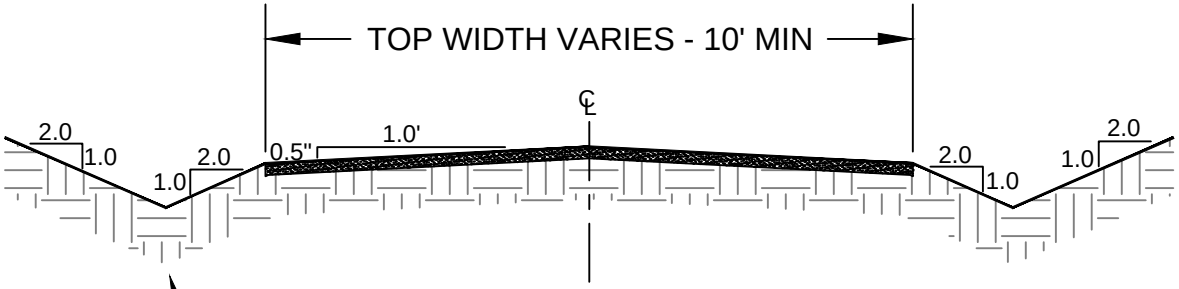
    a. The road will be closed to traffic.
    b. All bridges, culverts and other drainage structures not approved as part of the post mine land use will be removed.
    c. All road surfacing materials that are not compatible with the post mine land use or revegetation requirements will be properly disposed of on-site or removed from the site for re-use.
    d. Roadway cut and fill slopes shall be regraded and reshaped to be compatible with the post mine land use and to compliment the natural drainage pattern of the surrounding terrain.
    e. The natural drainage patterns shall be protected from surface runoff and erosion utilizing the installation of dikes and/or cross drains as necessary.

ATTACHMENT FOR APPENDIX A CONTINUED)

f. The roadbed shall be ripped or scarified as necessary, the topsoil or substitute or approved growing medium shall be replaced and revegetated in accordance with the approved reclamation plan for this permit.

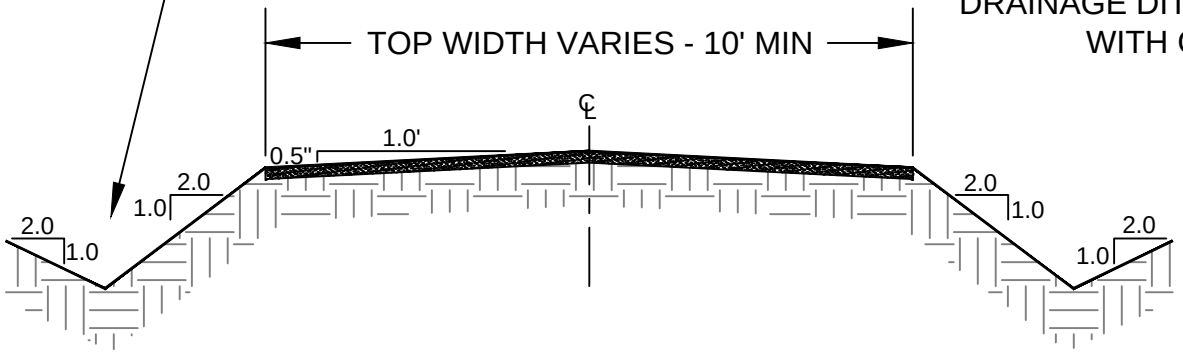
11. The following drawings illustrate typical roadbed configurations for ancillary roads.

ANCILLARY ROAD
TYPICAL CUT SECTION



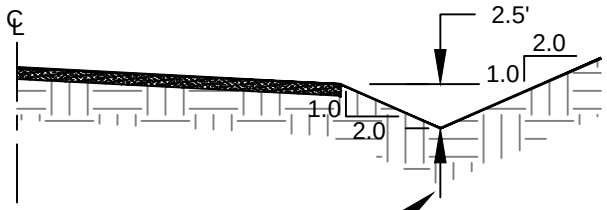
DRAINAGE DITCH TO BE LINED
WITH GRASS MIXTURE.

ANCILLARY ROAD
TYPICAL FILL SECTION



ANCILLARY ROAD
TYPICAL DRAINAGE DITCH
CROSS-SECTION

MINIMUM DRY FREEBOARD: 0.5'
MAXIMUM FLOW DEPTH: 2.0'



DRAINAGE DITCH TO BE LINED
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MAXIMUM GRADIENT: 10.0%

ATTACHMENT III-B-5
ANCILLARY ROAD TYPICALS

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